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Advancement of women

Report of the Secretary-General on the activities of the Office of Internal Oversight Services

Report of the Office of Internal Oversight Services on the audit of the International Research and Training Institute for the Advancement of Women**

Summary

The Office of Internal Oversight Services (OIOS) conducted a follow-up audit at the International Research and Training Institute for the Advancement of Women (INSTRAW) in December 2004, which generally covered the period from September 2001 to December 2004 and focused on the period from December 2003 to December 2004. The primary objective of the audit was to determine the implementation status of recommendations contained in the report on INSTRAW submitted by OIOS to the General Assembly in April 2002 (A/56/907), which addressed various issues concerning the sustainability and effectiveness of the Institute. On the basis of the acute financial difficulties of the Institute, OIOS had recommended in its previous report that the working group on the future operation of INSTRAW, established by the General Assembly primarily to develop recommendations to ensure the viability of the Institute, consider the option of closing INSTRAW. This option was rejected by the working group and the General Assembly. The OIOS follow-up audit therefore focused on issues relating to the sustainability of INSTRAW.

* A/60/150.

** The present report could not be submitted prior to the deadline because the review had not been concluded at that time.

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Overall, the OIOS follow-up audit showed that, although there have been some improvements in the governance structure of INSTRAW with the establishment of an executive board, further improvements are needed with regard to strengthening programmatic and administrative oversight of the Institute. In the view of OIOS, the Secretary-General should initiate consideration by intergovernmental bodies of ways to strengthen the Inter-Agency Network on Women and Gender Equality (of which INSTRAW is a member), for example by delegating some formal authority to the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women, as Chair of the Network, for programme coordination beyond facilitation and sharing of information. Also, the role of the Under-Secretary-General for Economic and Social Affairs with respect to the Director of INSTRAW was essentially advisory because the autonomous status of the Institute provides the Director with a high degree of independence with regard to utilizing resources allocated to INSTRAW.

Although the working group on the future operation of INSTRAW recommended the abolishment of the Institute's autonomous status, OIOS noted that this step had not been reflected in the revised INSTRAW statute approved by the Economic and Social Council in its resolution 2003/57. In this regard, INSTRAW has been increasingly relying on United Nations regular budget funding for most of its core requirements.

Regarding the implementation of the INSTRAW programme of work, OIOS found that outputs in 2004 were limited to interim documents or updated materials. Further, a training strategy had not been implemented, and there was a need to improve website management

On the basis of its follow-up audit, OIOS is recommending a series of improvements in the strategic, programmatic and administrative management of INSTRAW.

I. Introduction

1. The International Research and Training Institute for the Advancement of Women (INSTRAW) was established in 1976 by the Economic and Social Council as an autonomous institute within the framework of the United Nations. Since 1983, INSTRAW headquarters has been located in the Dominican Republic on premises donated by the host country.

2. The present report is based on a follow-up review conducted by the Office of Internal Oversight Services (OIOS) during December 2004, which generally covered the period from September 2001 to December 2004 and focused on the period from December 2003 to December 2004. The primary objective of the review was to determine the implementation status of recommendations contained in the previous report of OIOS to the General Assembly on INSTRAW (A/56/907), in which it addressed various issues concerning the sustainability and effectiveness of the Institute. Before the previous OIOS report was issued, the General Assembly, in its resolution 56/125 of 19 December 2001, established the working group on the future operation of INSTRAW, primarily to develop recommendations to ensure the viability of the Institute. As part of its work, the working group reviewed the findings and recommendations contained in the previous OIOS report. Specifically, four of the OIOS recommendations were in the form of proposals for consideration by the working group, which supported the views of OIOS regarding the reconstitution of the INSTRAW Board of Trustees and the need to review the Institute's autonomous status and the continuation of financial support from the regular budget. As discussed below, however, the working group disagreed with the recommendations to further consider the option of closing INSTRAW. The working group's recommendations are contained in its report to the General Assembly of 16 August 2002 (A/57/330).

II. The role of the International Research and Training Institute for the Advancement of Women

3. In its previous report, OIOS recommended that the Secretary-General instruct his Special Representative for INSTRAW to propose to the working group that it consider the option of closing the Institute. The working group considered and rejected this option on the grounds that closing a United Nations institute located in a developing country would send the wrong political signal. Also, given that gender issues were at the top of the United Nations agenda, the working group felt it would be inconsistent to close down the Organization's only institute devoted to research and training in respect of the advancement of women and gender equality.

4. INSTRAW is one of four United Nations entities specializing in the promotion of gender equality. As mentioned above, it is specifically mandated to carry out research and training concerning the advancement of women. The Office of the Special Adviser on Gender Issues and Advancement of Women in the Department of Economic and Social Affairs is responsible for promoting, facilitating and monitoring gender mainstreaming throughout the United Nations system. The Special Adviser chairs the Inter-Agency Network on Women and Gender Equality, which monitors and oversees the mainstreaming of gender perspectives in the normative and operational work of the United Nations system. Also within the Department of Economic and Social Affairs, the Division for the Advancement of Women participates in the development of policies for gender advancement within

the United Nations system and services the Commission on the Status of Women. The United Nations Development Fund for Women (UNIFEM) provides financial and technical assistance to programmes on women, especially those regarding human rights, political participation and economic security.

5. In addition to the entities discussed above, the United Nations regional commissions, most funds and programmes and specialized agencies are also substantially involved in gender advancement work through their thematic programmes. They include the United Nations Population Fund (UNFPA), the United Nations Children's Fund, the Food and Agriculture Organization of the United Nations and the World Health Organization, all of which have programmes in gender advancement. In addition, some United Nations training or research entities have a thematic focus on gender issues. For example, the United Nations Institute for Training and Research has developed a training programme on the special needs of women and children in and after conflict, and the United Nations University offers training on gender, conflict and education. Therefore, in the view of OIOS, all of those entities overlap with INSTRAW with regard to research and training in gender issues.

6. *The Director of INSTRAW stated that she had made extensive efforts to coordinate with other United Nations agencies in order to synergize policy and programmatic activities. In addition, INSTRAW is a member of United Nations-Energy and various other groups, such as the task force for the preparation of the Secretary-General's report on violence against women. INSTRAW also signed a memorandum of agreement with UNFPA, through which the Institute has received $30,000 towards its research on gender, migration and remittances.*

7. The report of the Secretary-General on the proposed system-wide medium-term plan for the advancement of women 2002-2005 (E/CN.6/2001/4) discusses the development of women's issues under several thematic clusters, including poverty, education and training, health, violence against women, women and armed conflict, and women and the economy. Specific entities, such as the Joint United Nations Programme on HIV/AIDS, UNFPA and UNIFEM, have become specialized and are responsible for comprehensive coverage of a limited number of specific themes. On the other hand, the activities of INSTRAW are and continue to be dispersed thinly among a variety of those themes, since under each the Institute is responsible for only one or two narrowly defined activities. For example, under violence against women, INSTRAW was tasked with developing an online training manual on men's roles in ending gender-based violence and with conducting online training. In the opinion of OIOS, the ability of INSTRAW to develop expertise in any particular area is extremely limited under the current circumstances.

8. *INSTRAW stated that it considers coordination with the United Nations system on gender equality and the empowerment of women a top priority. The Institute's proposed strategic framework for 2004-2007 was circulated among and discussed with all the members of the Inter-Agency Network on Women and Gender Equality and reflects the feedback of several members of the Network who sent suggestions.* OIOS found that the strategic framework describes the objectives in terms so generic and brief that they could be universally applied to the work of any of the Network members. For example, the strategic framework's second objective states that INSTRAW should strengthen national capacities to effectively manage gender-related knowledge to support Governments and civil society in their efforts to mainstream gender into policies and programmes.

9. In 2001, INSTRAW developed its Gender Awareness Information Networking System (GAINS), which uses information and communication technology tools to conduct research and training. Meanwhile, other entities have also developed their own information and communication technology tools to promote networking. In particular, the WomenWatch website, maintained by the Division for the Advancement of Women of the Department of Economic and Social Affairs, is featured in the April 2004 report of the Inter-Agency Network on Women and Gender Equality as the primary means to facilitate future online discussions of all critical areas of concern and emerging issues. In this area also, the networking role of INSTRAW is not prominent.

10. In discussions with OIOS, the Special Adviser on Gender Issues and Advancement of Women expressed the view in May 2005 that INSTRAW could build further on the work of the Statistics Division of the Department of Economic and Social Affairs, which publishes trends and statistics in *The World's Women* every five years. INSTRAW could, for example, create benchmark statistics and criteria to measure the actual implementation of gender mainstreaming in areas such as violence against women. However, INSTRAW has not been responsive to this suggestion. *INSTRAW stated that it was unable to continue its pioneering work on statistics and indicators as a result of budget constraints and not because it was unresponsive to the suggestion of the Special Adviser. Since that time, the issues of sex-disaggregated statistics and gender indicators have been comprehensively and ably addressed by the Statistics Division, all five of the regional economic commissions and a number of other United Nations entities.* OIOS has not assessed the substantive value of the Special Adviser's suggestion, but is concerned that the Special Adviser's leadership as overseer of the mainstreaming of gender perspectives in the work of the United Nations remains largely theoretical (see recommendation 1).

11. Based on the INSTRAW case, OIOS is of the view that the Secretary-General should initiate consideration by intergovernmental bodies of ways to strengthen the Inter-Agency Network on Women and Gender Equality (of which INSTRAW is a member) for example, by delegating to the Special Adviser, as Chair of the Network, some formal authority for programme coordination beyond facilitation and sharing of information (see recommendation 2).

12. *INSTRAW stated that at the time of the resumed first session of its Executive Board (October 2004), when the Institute's current programme of work was presented and approved, the new incumbent for the post of Special Adviser to the Secretary-General on Gender Issues and Advancement of Women had not yet taken office. Similarly, the post was vacant at the time of the July session of the Executive Board. The Director of the Division for the Advancement of Women participated in the Executive Board meetings in 2004. The current incumbent of the post of Special Adviser participated in the second session of the INSTRAW Executive Board (June 2005), during which the Institute's programme of work for 2006 was presented and approved.*

13. *The Department of Economic and Social Affairs confirmed that the role of the Special Adviser is to counsel the Secretary-General on gender and to facilitate inter-agency collaboration and coordination to achieve gender equality and integrate gender perspectives in all programmes and policies. The Inter-Agency Network on Women and Gender Equality is an inter-agency coordination body whose goal is to facilitate and coordinate system-wide efforts to mainstream gender into all programmes and policies of the United Nations system. Its members are*

bound by their mandates, as endorsed by their respective governing bodies, and the Special Adviser, as Chair of the Network, therefore does not have the authority to prescribe programmatic direction to the Network's members. The Department of Economic and Social Affairs further agreed that the Special Adviser could support the development of the Institute's programme of work and stronger linkages between INSTRAW and the other members of the Network in her role as Chair of the Inter-Agency Network. This would actually be helpful to ensure that the research work of INSTRAW benefits the whole system.

III. Autonomy and accountability

14. In its previous report, OIOS recommended that the Secretary-General instruct his Special Representative for INSTRAW to propose to the working group that it examine (a) the feasibility of the Institute's continuation as an autonomous body within the framework of the United Nations; and (b) the strategy for achieving effective autonomy for INSTRAW through the appropriate delegation of authority. In its review of this issue, the working group concluded that while the autonomous status was in principle desirable for a research institute and most probably was beneficial when INSTRAW was first established, it was at this time a major disadvantage for the Institute and should therefore be abolished. However, contrary to the working group's conclusion, the revised INSTRAW statute approved by the Economic and Social Council in its resolution 2003/57 did not abolish its autonomous status.

15. OIOS had recommended that the Secretary-General propose to the General Assembly that it consider the need to continue temporary funding of the Institute's core operations from the United Nations regular budget until the Working Group completed its in-depth assessment of the Institute and made its final recommendations concerning its sustainability, should the working group study not be completed before the end of the General Assembly's fifty-sixth session. Recently, however, INSTRAW has been relying increasingly on United Nations regular budget funding for almost all of its requirements. For 2005, an advance of $546,200 has been released against an annual committed subvention of $1,092,400.

16. In addition, OIOS had recommended that the Secretary-General instruct his Special Representative for INSTRAW to propose to the working group that it consider improvements to the Institute's Board of Trustees. Those improvements included possible reconstitution of the Board to include donor representation or, alternatively, replacing the Board with a consultative committee, thereby ensuring that the Institute's primary oversight and fund-raising functions would be effectively carried out. The revised INSTRAW statute reconstituted the Board of Trustees into the current Executive Board, composed of representatives of 10 Member States elected by the Economic and Social Council for three-year terms. The Executive Board also has eight ex officio members from the United Nations system, including the Under-Secretary-General for Economic and Social Affairs, the Director of INSTRAW, a representative from the host country and one representative from each of the five regional commissions. The Executive Board was established in 2004 and met once in July and once in October 2004. It has established its own rules of procedure and has approved the Institute's strategic plan and programme of work. The Director submits annual and ad hoc reports on the Institute's activities and the execution of its work programme to the Executive Board.

17. OIOS had further recommended that the Secretary-General spell out the roles and responsibilities of his Special Representative for INSTRAW with a clearly defined delegation of authority. That recommendation was formulated to address the need for an administrative focal point within the United Nations Secretariat specifically to oversee the resolution of the acute problems experienced by INSTRAW over the past decade. In the revised INSTRAW statute, the previous reference to the Special Representative of the Secretary-General has been replaced with a reference to the Under-Secretary-General for Economic and Social Affairs. However, other than serving as an ex officio member of the INSTRAW Executive Board, the roles and responsibilities of the Under-Secretary-General were not detailed. OIOS therefore considers this recommendation as not having been implemented.

18. OIOS is concerned that oversight of the day-to-day operations of INSTRAW continues to be inadequate. For example, although the Under-Secretary-General for Economic and Social Affairs approves the INSTRAW Director's travel, his role remains essentially advisory because the autonomous status of INSTRAW provides a large degree of independence to the Director with regard to utilizing resources allocated to the Institute. No travel requests were denied, although OIOS determined that the Director's travel could have been curtailed in order to ensure greater management oversight of programme effectiveness by the Director at the Institute's headquarters in Santo Domingo.

19. *INSTRAW noted that administrative oversight is ensured through its Executive Board, the Executive Office of the Department of Economic and Social Affairs, the Office of the Controller and the Office of Human Resources Management, through whom all management decisions and activities are channelled.*

20. *The Department of Economic and Social Affairs stated that it should be noted that the statute of the Institute does not assign any supervisory role to the Under-Secretary-General for Economic and Social Affairs with regard to INSTRAW. The oversight role of the Board, in which the Department of Economic and Social Affairs is just one among several ex officio members, is fundamental to the management of the Institute (see article III of the statute). As per article VII of the statute, the Department facilitates the provision of administrative support to the Institute on behalf of the Secretary-General by providing guidance on relevant rules, regulations, policies and procedures. The approval role of the Department with respect to the Director's travel requests is only to ensure that travel is in line with the approved strategy and programme of work.*

21. In the opinion of OIOS, the Institute's administrative accountability system should be improved by assigning overall administrative supervisory responsibility on behalf of the Secretary-General to one of the Secretariat members of the INSTRAW Executive Board (preferably the Department of Economic and Social Affairs or the Economic Commission for Latin America and the Caribbean, which is located in the same region as INSTRAW). This would ensure that the administrative decisions of the Director of INSTRAW are properly overseen by a representative of the Secretary-General in the Secretariat in accordance with the United Nations rules and procedures (see recommendation 3).

IV. Implementation of the programme of work

22. OIOS noted that the Institute's outputs in 2004 were generally limited to preliminary project proposals, brief notes, discussions or progress reports, which do

not constitute research products per se. Some of those documents were based on existing materials, as in the case of the publication on financing for development cited on the INSTRAW website, which had been prepared in 2003 (see recommendation 4).

23. *INSTRAW stated that it had gone on to develop concept papers on gender and remittances and gender and security sector reform. The concept paper on gender and financing for development already exists. In addition, throughout 2004, INSTRAW was still engaged in a revitalization and review process that required the identification of specific programmatic areas and the development of project proposals. The Institute is supposed to be funded entirely by voluntary contributions which, unless they are freely given by Member States, must be solicited through specific project proposals. Given the Institute's lack of funds and its increasing reliance on United Nations regular budget funding, the development of those project proposals was deemed to be: (a) a priority in the search for funding; and (b) necessary for the effective continuation of the Institute's research work.*

24. In 2003, the staff of INSTRAW prepared a draft training strategy that was not implemented because the then-Special Adviser on Gender Issues and Advancement of Women believed that the strategy should be reviewed by the new INSTRAW Director, who reported for duty in December 2003. However, at the time of the OIOS audit in December 2004, the training strategy had not been implemented (see recommendation 5).

25. In its previous report, OIOS recommended that the interim Director of INSTRAW evaluate GAINS and refocus the project before proceeding with further implementation. The statistics provided by INSTRAW as at May 2004 showed that membership in GAINS tended to be stable, with marginal increases and decreases, as was the case with regard to the number of database items and subscribers to newsletters. Among other activities, two new virtual seminar series were held in 2004, on gender security sector reform and gender and conflict prevention and resolution. However, OIOS noted that INSTRAW had not systematically monitored activities following the virtual seminars.

26. The Director and staff of INSTRAW explained that they did not view GAINS as being very conducive to networking or research, and that their focus had been on establishing a new website. In May 2004, INSTRAW undertook a review and reformulation of GAINS in order to optimize its usefulness and efficiency for members and for the Institute's implementation of its new priorities and programme of work (the 2004-2007 strategic framework). INSTRAW officials advised that the primary change was that the Gender Awareness Information Networking System would no longer be a product but rather a methodology of work to improve the quality of the Institute's research, the impact of its training and the reach of its information and dissemination activities.

27. The INSTRAW website was redesigned to ensure that it would be more user-friendly, and the new website was launched in July 2004. Website usage data showed an increase in the number of visits between July and December 2004 to the English, Spanish and French versions. Statistics regarding top pages visited and documents downloaded showed that user interest existed in a variety of subjects. However, because statistics for the period prior to July 2004 were not available, OIOS could not determine whether there had been an increase in user interest in comparison with the period prior to July 2004 and, if so, what the nature and extent of this increase was.

28. At the time of the OIOS audit in December 2004, INSTRAW had started but not completed the migration and linkage to the new website of the existing database, consisting of a total of 5,316 records. Users therefore could not access the library containing the documents created and stored over the years. The database supporting the new website consists of 2,602 pages and downloadable documents and is using only five per cent of available capacity (see recommendation 6).

V. Administrative and financial management

29. In its previous report, OIOS recommended that INSTRAW ensure that: (a) core staff members supervise consultants; (b) each consultant be hired for specific assignments with clear terms of reference and measurable output in accordance with United Nations regulations and rules; (c) consultant emoluments be determined on the basis of set criteria commensurate with the engagement; and (d) the number of consultants be reduced to the minimum required to maintain the website and the project. OIOS found that with the exception of item (b) above, those recommendations had generally been addressed by INSTRAW. In this regard, the OIOS review showed that of 25 existing contracts, those of 9 individuals were for ongoing rather than temporary work, although there should have been no continuing need to hire the same consultants under United Nations regulations and rules (see recommendation 7).

VI. Recommendations

30. As a result of its follow-up audit, OIOS originally formulated six recommendations in its draft report concerning the strategic, programmatic, financial and administrative management of INSTRAW. However, based on the comments received from the Department of Economic and Social Affairs and INSTRAW on the draft report, OIOS has revised some of the recommendations and increased from two to three the number of recommendations addressed to the Secretary-General.

Recommendation 1

31. OIOS recommends that the Secretary-General propose to the Economic and Social Council that, in consultation with the INSTRAW Executive Board, it ensure that the Institute's programme of work is developed in consultation with the Special Adviser on Gender Issues and Advancement of Women to take advantage of opportunities for synergy within the Inter-Agency Network on Women and Gender Equality and to reduce overlap with other programmes (AH2004/540/01/01).[1]

32. *The Department of Economic and Social Affairs stated that this would actually be helpful to ensure that the research work of INSTRAW benefits the whole system.*

Recommendation 2

33. OIOS recommends that the Secretary-General propose to the Economic and Social Council that it consider ways to strengthen the Inter-Agency Network on Women and Gender Equality, of which INSTRAW is a member, through such steps

[1] The symbols in parentheses in this section refer to an internal code used by OIOS for recording recommendations.

as delegating some formal authority to the Special Adviser on Gender Issues and Advancement of Women to coordinate programmes of Network members. In redefining this role, it should be recognized that coordinating Network members' programmes, in some instances, may go beyond facilitation and information-sharing (AH2004/540/01/02).

34. The *Department of Economic and Social Affairs stated that the role of the Special Adviser was to counsel the Secretary-General on gender and to facilitate inter-agency collaboration and coordination to achieve gender equality and integrate gender perspectives in all programmes and policies. The Inter-Agency Network on Women and Gender Equality is an inter-agency coordination body whose goal is to facilitate and coordinate system-wide efforts to mainstream gender into all programmes and policies of the United Nations system. The members of the Network are bound by their mandates as endorsed by their respective governing bodies, and the Special Adviser, as Chair of the Network, therefore does not have the authority to prescribe programmatic direction to the Network's members.*

35. *At the same time, in her role as Chair of the Inter-Agency Network, the Special Adviser could support the development of the Institute's programme of work and stronger linkages between INSTRAW and the other members of the Inter-Agency Network.*

36. OIOS acknowledges the comments of the Department of Economic and Social Affairs, which, inter alia, reflect the constraints of the governing framework of individual members of the Inter-Agency Network. However, OIOS believes that strengthening the authority of the Special Adviser as the Chair of the Network to coordinate beyond facilitation and information-sharing would make the Network more effective in accomplishing its goal of coordinating system-wide efforts to mainstream gender into all programmes and policies of the United Nations system.

Recommendation 3

37. OIOS recommends that in order to clarify and strengthen the administrative accountability system of INSTRAW, the Secretary-General propose to the Economic and Social Council that it assign an administrative supervisory role to the Under-Secretary-General for Economic and Social Affairs or the Executive Secretary of the Economic Commission for Latin America and the Caribbean (AH2004/540/01/03).

38. *The Department of Economic and Social Affairs commented that in the context of the statute, the Economic and Social Council had the authority to clarify the roles of the members of the Board, including the Under-Secretary-General for Economic and Social Affairs and the five Executive Secretaries of the regional commissions. While the Secretary-General could recommend in his forthcoming report to the General Assembly that the Economic and Social Council embark on a review/revision of the statute, it may be counterproductive, as the statute was approved only recently (Council resolution 2003/57) and its renegotiation may encroach on broader issues of United Nations institutional reform.*

39. OIOS acknowledges the comments of the Department of Economic and Social Affairs on the timing of the review of the statute, which was revised recently by the Economic and Social Council in its resolution 2003/57. However, OIOS believes that the Statute needs to authorize a representative of the Secretary-General in the Secretariat to ensure that the administrative decisions of the Director of INSTRAW are properly overseen in accordance with United Nations rules and procedures.

Recommendation 4

40. OIOS recommends that INSTRAW define what it considers a research product to ensure the significance, relevance and consistency of outputs (AH2004/540/01/04).

41. *INSTRAW stated that in accordance with its strategic framework of 2004-2007, the research activities in strategic areas include the following comprehensive outputs: (a) gender frameworks; (b) concept papers; and (c) case studies.*

Recommendation 5

42. OIOS recommends that INSTRAW implement its training strategy (AH2004/540/01/05).

43. *INSTRAW stated that the implementation of this strategy was already under way, with the first and second steps (mapping of existing training methodologies, tools, monitoring indicators and institutions) completed and posted on the Institute's website.*

Recommendation 6

44. OIOS recommends that INSTRAW consolidate data from its old and new websites to allow user access to the complete INSTRAW document library (AH2004/540/01/06).

45. *INSTRAW stated that it had consolidated the data from its old website and posted it on the new website since the audit in December 2004. Thus the data are now fully available to the public.*

Recommendation 7

46. OIOS recommends that INSTRAW improve controls over the use of consultants (AH2004/540/01/07).

47. *INSTRAW stated that funds were allocated to the Institute by the Office of Programme Planning, Budget and Accounts, with the participation of the Department of Economic and Social Affairs for specific time periods ranging from one to five months. This often obliges the Institute to prepare contracts for consultants several times, even though the contracts relate to the same specific functions and are for a short period of time. INSTRAW also pointed out that the terms of reference for consultants were based on the specific needs of the Institute's programme of work and were not intended to replace staff members, in accordance with the provisions of ST/AI/1999/7. Consultants are also supervised by one or two staff members, according to INSTRAW.*

(*Signed*) Inga-Britt **Ahlenius**
Under-Secretary-General for Internal Oversight Services

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Promotion and protection of the rights of children

Rights of the child

Report of the independent expert for the United Nations study on violence against children

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the independent expert for the United Nations study on violence against children, Paulo Sérgio Pinheiro, submitted pursuant to General Assembly resolution 59/261.

Summary

The present report provides information on the activities the independent expert, Paulo Sérgio Pinheiro, appointed by the Secretary-General to lead the study on the question of violence against children, has carried out in order to gather information on the situation of violence against children and steps taken to prevent and respond to such violence.

* A/60/150.
** The present report was submitted late so as to include the most up-to-date information possible.

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I. Introduction

1. In its resolution 59/261 of 23 December 2004, the General Assembly invited Mr. Paulo Sérgio Pinheiro, the independent expert appointed by the Secretary-General for the United Nations study on violence against children requested by the Assembly in its resolution 56/138 of 19 December 2001, to report to it at its sixtieth session. The present report, which complements the progress reports on the study provided by the Secretary-General to the Commission on Human Rights at its sixtieth and sixty-first sessions (E/CN.4/2004/68 and E/CN.4/2005/75), is submitted in accordance with that request.

2. Since the submission of the progress report on the study to the sixty-first session of the Commission on Human Rights, the independent expert has continued to gather information to provide an in-depth global picture of violence against children, documenting its nature, incidence, causes and consequences by considering the various settings in which such violence takes place, prioritizing the collection of information on best practices in prevention and response, including those developed with contributions from children.

3. A number of processes have been initiated by the independent expert as part of a multifaceted strategy to mobilize global support for the study and for its objective of eliminating violence against children, as well as to collect information, which will be presented in the final report of the study, a comprehensive publication containing the study's findings and a child-friendly version of the study. The processes have included the submission of a questionnaire to Governments and a call for public submissions. The independent expert has encouraged the organization of regional, subregional and national consultations, as well as expert thematic meetings on particular issues and themes relating to violence against children, and undertaken a number of country field visits. He also requested an analysis of the concluding observations of the Committee on the Rights of the Child and of the reports of the special procedures mandate holders of the Commission on Human Rights in order to determine whether any trends have been discerned by these mechanisms in respect of violence against children. The independent expert continued to chair the expert editorial board, and has encouraged the creation of research and other networks. Throughout his work, the independent expert has emphasized the importance of child participation and urged that children be involved in all processes related to the study.

4. The independent expert has been grateful for the broad support for his work provided by Governments, regional bodies, intergovernmental and non-governmental bodies, as well as by United Nations entities, in particular the Office of the United Nations High Commissioner for Human Rights (OHCHR), the United Nations Children's Fund (UNICEF) and the World Health Organization (WHO), the three core United Nations entities supporting the study. He has participated actively in the meetings of the coordinating committee for the study, comprised of the director of the study secretariat and representatives of these three entities.

5. The independent expert has also been grateful for the experience and contributions provided to him by a range of United Nations partners. For example, the International Labour Organization (ILO) is providing specific research inputs and taking the lead on violence against working children. The Office of the United Nations High Commissioner for Refugees (UNHCR) is reviewing the situation of

refugee children in relation to violence and has launched a multicountry study in Southern Africa on the experiences of refugee children, describing the discrimination they experience and their increased vulnerability to violence. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has collaborated with UNICEF on inputs related to violence in schools and the promotion of child-friendly schools to provide information on corporal punishment and alternative disciple at home, in schools, and across the community, including through the publication *Eliminating Corporal Punishment: The Way Forward to Constructive Child Discipline*, prepared in cooperation with the International Institute for Child Rights and Development. The independent expert has also discussed collaboration with the Division for the Advancement of Women and the Department of Economic and Social Affairs of the Secretariat, which is leading the Secretary-General's study on violence against women.

6. National, regional and international non-governmental organizations (NGOs) have continued to provide significant support which has been deeply appreciated by the independent expert, in particular that provided by the subgroup on children and violence established within the NGO Group for the Convention on the Rights of the Child and the NGO Advisory Panel for the study. Several publications and resources have been prepared by NGOs as inputs into the study and Save the Children has continued to support the participation of children in the study.

II. Questionnaire to Governments

7. In March 2004, the independent expert circulated a questionnaire to Governments on the issue of violence against children, encouraging them to provide examples of good practices and innovative approaches and outline obstacles encountered in addressing all forms of violence against children.

8. In a number of countries the preparation of responses to the questionnaire provided the first opportunity for Governments to gain a clear picture of the problem of violence against children, and of the legislation, policies and programmes that have been developed in this area. In many cases, preparation of responses generated national debate about the question of violence against children and inspired action to address the problem. Several States have developed mechanisms to coordinate preparation of responses, which have included the organization of regular intersectoral meetings involving different governmental authorities, including at federal, state, provincial and municipal levels, as well as NGOs, national human rights institutions and other parts of civil society, including children.

9. As at 16 August 2005, the independent expert had received 117 responses: 28 from the African Group of States, 26 from the Asian Group, 19 from the Eastern European Group, 24 from the Latin American Group, 20 from the Western European and other States Group and one from the Occupied Palestinian Territory. The independent expert expresses his thanks to Governments that have submitted responses and acknowledges with gratitude the serious commitment they have shown in their preparation. He looks forward to further responses, which will be analysed for the final report. All responses are posted on the web site of the Office of the High Commissioner for Human Rights at http://www.ohchr.org/english/bodies/crc/study.htm.

III. Regional consultations

10. The independent expert participated in nine regional consultations on the study which were convened from March to July 2005: Regional Consultation for the Caribbean, held in Trinidad and Tobago from 10 to 11 March 2005; Regional Consultation for South Asia, held in Pakistan from 17 to 20 May 2005; Regional Consultation for West and Central Africa, held in Mali from 23 to 25 May 2005; Regional Consultation for Latin America, held in Argentina from 30 May to 1 June 2005; Regional Consultation for North America, held in Canada from 2 to 3 June 2005; Regional Consultation for East Asia and the Pacific, held in Thailand from 14 to 16 June 2005; Regional Consultation for the Middle East and North Africa, held in Egypt from 27 to 29 June 2005; Regional Consultation for Europe and Central Asia, held in Slovenia from 5 to 7 July 2005; and Regional Consultation for Eastern and Southern Africa, held in South Africa from 18 to 20 July 2005. The independent expert wishes to acknowledge the significant contribution that UNICEF offices in different parts of the world have made in facilitating the regional consultations and in supporting country-level preparatory and follow-up processes. He wishes to emphasize that the consultations generated key information for the study and also focused increased attention on the problem of violence against children, providing an opportunity to mobilize political will to address it. The consultations also raised the awareness of civil society and other stakeholders, strengthened partnerships and networks concerned with the problem of violence against children, and promoted dialogue among Governments and other participants. The independent expert expresses his warm thanks to the Governments that hosted these consultations and that have, in most cases, taken on follow-up responsibilities. He also wishes to express his gratitude to Governments that participated in the regional consultations, many of which sent high-level delegations, as well as to all others who participated or supported their organization.

11. Each of the regional consultations brought together an average of 350 participants, including Government representatives and parliamentarians, representatives of United Nations entities, regional and other intergovernmental organizations, NGOs, national human rights institutions and other parts of civil society, the media, religious organizations, as well as children, and provided a forum at which information on violence against children and steps to prevent and respond to this problem could be gathered. Preparations for each consultation were led by regional steering committees and coordinating groups comprised of Government representatives, United Nations and other international entities, NGOs and other parts of civil society, facilitated by UNICEF, with the support of OHCHR, WHO and other partners. In consultation with the independent expert, the Child Rights Information Network (CRIN) provided daily summaries of the regional consultations (www.crin.org and www.violencestudy.org). CRIN also developed interactive pages on its web site for children and young people.

12. Each regional consultation resulted in an outcome document that described the planning process, highlights of the event, best practices for preventing and responding to violence, and key recommendations for future action. Participants at several consultations agreed on a consultation declaration, which, while addressing its particular context, emphasized the importance of prevention of violence against children and the need for follow-up mechanisms to the consultations and the study.

13. At the South Asia regional consultation the South Asia Forum for Ending Violence Against Children was established to facilitate regular meetings of Governments in the region to follow up on the recommendations related to the study, calling on the support of the South Asia Coordinating Group against Commercial Sexual Exploitation and Trafficking of Children and Women in South Asia and the South Asia Association for Regional Cooperation (SAARC). At the regional consultation, each Government presented key concerns, such as violence against the girl child, child labour, street children, trafficking, violence in schools and the influence of conflict, and a range of responses were presented. For example, the Government of India reported the establishment of a National Commission for Children, with a focus on child protection, and Pakistan has established national child protection centres for child protection.

14. The concluding statement of the East Asia and Pacific consultation highlighted the increased vulnerability of children caught in cross-border migration and the importance of building the capacity of key professionals working with children, such as social workers, teachers, legal and medical staff, as well as community groups including faith-based organizations. The recommendations from the East Asia and Pacific meeting will be taken to the Eighth East Asia and Pacific Ministerial Consultation early in 2007.

15. At the Middle East and North Africa consultation an open discussion on the issue of violence against children took place among the children, Government officials, civil society members and other experts participating in the consultation. A declaration was adopted by the delegates which emphasized the need to strengthen institutions, families and communities to prevent violence against children. The declaration called upon participants to commit themselves to including "violence against children" as a permanent item on the agenda of the Arab League, the African Union and the Organization of the Islamic Conference Summits. On the closing day, another child helpline in the region was launched by the First Lady of Egypt. The helpline was supported by an awareness campaign on violence against children and the toll-free line received 15,000 calls from children in the first 12 days of operation.

16. Final conclusions relating to nine priority areas concerning violence against children were adopted at the regional consultation for Europe and Central Asia. Discussions during the consultation focused on violence against children in different kinds of residential institutions, in which more than a million children in the region are placed; corporal punishment in the home, which has been explicitly prohibited in the law by only 16 countries of the region; violence in schools, where different forms of humiliating treatment and bullying occur despite legal prohibition; and concerns on abuse and exploitation of children in the community, including lack of safeguards in free-time activities, for example in sport and youth clubs. Follow-up to the consultation at regional level will include negotiations relating to an intergovernmental commitment on violence against children and the strengthening of critical partnerships. For example, the Council of Europe, which co-organized the consultation, is implementing a new programme on violence against children. Participation of children will also be further strengthened through the activities of NGO networks, especially Save the Children, and will seek to include and involve children in policy dialogue more systematically. The consultation was immediately followed by a regional review of commitments made by the countries of Europe and Central Asia at the Second World Congress Against the Commercial Sexual

Exploitation of Children held in Yokohama, Japan, in 2001, thereby emphasizing the linkages of the study with accelerated action against sexual exploitation and trafficking in children.

17. In the closing session in Johannesburg, South Africa, the convening of an all-Africa consultation was proposed under the auspices of the African Union, which would result in an "Africa Union statement" on violence against children. This statement would unify the outcome of the Eastern and Southern Africa consultative process with the other two regional consultations held in Africa. In the broader forum of the consultation many other issues were discussed, such as discrimination, HIV/AIDS and traditional practices (such as early marriage, female genital mutilation/cutting), the challenges of post-conflict, and the importance of harmonizing customary law with civil law. The particular ways that girls are especially targeted and victimized, including the links with domestic violence, were discussed. This theme will be pursued at the forthcoming Second International Policy Conference on the African Child, organized by the African Child Policy Forum in collaboration with the African Union, UNICEF and Plan International in May 2006. In addition, there was a proposal that the theme for the Day of the African Child in 2006 be "Violence against children".

18. The Caribbean consultation was facilitated by the Caribbean Community and Common Market (CARICOM). A number of countries in the region have initiated follow-up actions. For example, in Jamaica the Violence Prevention Alliance, an umbrella organization uniting groups and agencies working on violence prevention, spearheaded by the Ministry of Health, has been established.

19. The Inter-American Commission on Human Rights co-organized the Latin American consultation, which produced a declaration that was signed by high-level participants. The declaration highlighted the need for action to curb gang violence and the need for sustainable community-based solutions to address violence against children which respected their rights and allowed them to realize those rights. In advance of this consultation, a virtual forum to solicit opinions from the general public on violence against children was launched by the Economic Commission for Latin America and the Caribbean. The almost 300 responses received were provided to the independent expert and consultation participants.

20. The participation of children was an important element in each of the regional consultations, with a number including specific events involving children. Children and adolescents participated in preparatory meetings prior to each of the regional consultations, thereby providing them with an opportunity to explore with peers the issues relating to violence and design the nature of their participation in the consultations. Child participation was facilitated by the Save the Children Alliance with support from partners, and children were selected according to a set of specially developed criteria, supported by specific protocols, taking into account their age and maturity.

21. More than 260 children had direct input to the consultations and the study, with 29 children attending the Caribbean Consultation; 25 in South Asia; 25 in West and Central Africa; 22 in North America; 30 in Latin America; 26 in East Asia and the Pacific; 27 in the Middle East and North Africa; 24 in Europe and Central Asia; and 55 in Eastern and Southern Africa. Children participating in the consultations represented networks of children from countries in the region. The independent expert met with children during each regional consultation. Children and

adolescents adopted their own declaration or outcome document at every regional consultation, identifying as priorities (i) consultation with children in the formulation of laws and social policy, with universal emphasis on the need to ban corporal punishment; (ii) implementation and enforcement of strict laws against violence; (iii) augmented allocation of resources for children; (iv) strengthened support for children's initiatives; (v) building of awareness among adults and children about children's rights, the impact of violence against children and alternative forms of discipline; and (vi) the need to establish ombuds entities for children where such institutions do not exist. The recommendations and presentations by the children and adolescents contributed directly to the working group's discussions at the consultations and are reflected in the final recommendations of the consultations.

22. Consultations with children prior to the regional consultations were held in 17 countries throughout Latin America representing more than 2,200 children, in six countries of Eastern and Southern Africa, and in Canada and the United States of America. A series of focus groups with children and young people in North America also highlighted common concerns across regions, calling for a complete ban on corporal punishment, and identified the challenge of discrimination based on sex, race and other grounds, calling for access to quality education and better services to lift children and adolescents out of situations of vulnerability.

23. The media participated in each regional consultation and also played a role as advocates in promoting the issues. In all regions, the role of the media in breaking the silence surrounding violence against children and influencing social norms and community attitudes was emphasized. The independent expert was grateful for the media attention that he and the study received, and he was glad to be able to address so many press forums. At the consultation for West and Central Africa journalists proposed the establishment of a network of media professionals, acknowledging the need to make reporting on violence against children more responsible, including being more protective of children, and the potential role of the media in supporting measures to address violence against children. During a presentation by the Department of Child Protection of the Economic Community of West African States (ECOWAS) journalists were sensitized to issues relating to reporting on violence against children and guidelines for journalists were produced. Delegates reiterated the central role of the media in the recommendations emerging from the consultation which, inter alia, called for the culture of silence surrounding violence against children to be broken and developing awareness of the issue by involving the whole community, religious and traditional leaders, the media, parents and children.

24. Violence against children in the media, including access to pornography and offensive material, particularly on the Internet and in the burgeoning mobile phone industry, was also addressed. In many cases it was clear that children and adolescents were far more advanced than adults in their knowledge of the issues and also in ways to respond. At the consultation for East Asia and the Pacific, an expert thematic meeting was hosted by End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) to discuss the influence of media on violence against children and to feed into the proceedings of the consultation. At the consultation for the Middle East and North Africa, private sector partners were invited to facilitate discussions with the consultation delegates on the scope of the problem and also on what could be done. The independent expert

has welcomed the ongoing involvement of these private sector partners in developing materials and strategies to address these issues.

IV. Subregional and national consultations

25. A number of subregional and national consultations were also held in preparation for the regional consultations. The Government of Madagascar hosted a subregional consultation for Indian Ocean Island States from 25 to 27 April 2005, and the Government of Fiji will host a similar subregional consultation in September 2005 for the Pacific. The Indian Ocean subregional consultation adopted a final declaration, which, in addition to including recommendations adopted at the meeting, requested the Observatoire des droits de l'enfant de la région l'Océan indien to conduct and publish a study on violence against children in the subregion and to evaluate the progress made in addressing violence against children in the countries of the Indian Ocean in 2010.

26. National consultations and high-level discussions were held in Bangladesh, Bhutan, China, Jamaica, Kenya, Liberia, Mexico, Senegal, the Sudan, Sri Lanka, Tunisia, Uganda and Yemen and additional national consultations, including in Brazil and India, will also take place later in 2005 and early 2006. These addressed issues specific to their national context. In Bangladesh, the importance of community development was emphasized, as was the need for dialogue with parents, teachers and students to stop violence against children at home, in schools, and the broader community. The Government also announced the formation of an independent Child Rights Commission to help reduce violence against children. In Bhutan (21 and 22 April 2005) commercial sexual exploitation and cross-border trafficking were also highlighted as priorities.

27. In East Asia and the Pacific, at least eight countries conducted seminars on violence against children or engaged in processes in relation to the study, while new research on the issue was disseminated in Timor-Leste and Viet Nam. A consultation held in China on 16 and 17 May 2005 was attended by the independent expert and focused on ground-breaking research conducted for the first time on violence against children in China. These new data were linked with studies in other countries in Asia and in Europe, confirming the global nature of the problem. The Government of China has suggested that a forum for children and adolescents be held later in 2005.

28. A cross-cutting theme raised in many of the national consultations was the responsibility of the media with regard to violence against children, and recommendations suggested that the media pay particular attention to the occurrence of violence against children. Participants at the consultation in China, for example, highlighted the crucial role of the media in denouncing violence against children and working to uncover the root causes of the phenomenon.

V. Field visits

29. In order to identify country experiences of violence against children, and practical measures to prevent and respond to such violence, since the end of 2004, the independent expert has conducted field visits in Port of Spain (11 March 2005),

Buenos Aires (31 May 2005), Toronto (4 June 2005), Israel and the Occupied Territories (30 June to 4 July 2005), Bamako (23 and 24 May 2005), Islamabad (20 May 2005), Ljubljana (5 and 6 July 2005) and Johannesburg (18 July 2005). Field visits in Argentina, Canada, Mali, Pakistan, Slovenia, South Africa and Trinidad and Tobago were linked to the regional consultations held in those countries. The visit to Israel and the Occupied Territories coincided with the independent expert's participation in the international conference on juvenile justice, "Kids Behind Bars", organized by Defence for Children International in Bethlehem in June/July 2005. The independent expert is grateful to the Governments of the countries in which visits were conducted, and to those who facilitated the visits.

30. In Port of Spain, the independent expert visited the Trinidad and Tobago Coalition against Domestic Violence, the Young Men's Christian Association Bethon School and St. Jude's School, where children noted the pervasive nature of corporal punishment in the region and the importance of the establishment of helplines for children.

31. In Islamabad, the independent expert visited two civil society organizations: the Society for the Protection of the Rights of the Child (SPARC), which focuses on child rights advocacy, and Rehabilitation and Health Aid Centre for Torture Victims — Voice against Torture (RAHAT-VAT), dedicated to assisting victims of torture, including children. The findings of SPARC reinforced the concerns raised at the South Asia Regional Consultation regarding corporal punishment in families, schools and by security forces, and indicated that corporal punishment in the school system is a significant factor leading to the exclusion of children from school. The Society's initiatives included an awareness-raising campaign on child rights among students in public and private schools, and its advocacy efforts have also led to significant improvements in the country's legal framework for children. The independent expert's discussions with RAHAT-VAT focused on the importance of specialized programmes for child victims of torture and degrading treatment with respect to investigations, recovery and reintegration.

32. In Bamako the independent expert visited Apaf Muso Dambe, a local NGO providing assistance to female victims of violence and other human rights violations. Girls talked to the independent expert about their vulnerability to violence and social exclusion, often related to early or unwanted and forced pregnancy. In addition, the independent expert visited a drop-in centre for children on the outskirts of Bamako and participated in a lesson on child rights and violence at a local school. During these visits, many children informed the independent expert of the extremely negative impact of corporal punishment on their school and domestic life. The issue of female genital mutilation (FGM) was also raised during the independent expert's visit to Mali, and its pervasiveness throughout West Africa discussed. He was briefed on the *Programme national de lutte contre l'excision*, and informed of the paucity of reliable data on the prevalence and forms of FGM that exist in the region, and that it is difficult to reach more isolated communities. Members of the *Programme* indicated that the engagement of religious and community leaders was an important factor in combating the practice.

33. In Buenos Aires, the independent expert visited a day-centre run by the City of Buenos Aires, the *Centro de Atención Integral a la Niñez y Adolescencia*, which offers psychological, social and educational assistance to street children and others

in difficult circumstances and which achieved positive results by promoting participatory activities and engaging street children in reintegration in their homes and communities. Among the problems discussed were the inconsistencies between national and local legislation, the excessive use of institutionalization, and violence and discrimination against children by security forces. In Toronto, the independent expert visited a women's transition house, where children were housed with their mothers. He also visited the Kinark Syl Apps Youth Centre and the Youth Crime Reduction Programme, where he followed a conference with a young offender that constituted part of a div ·sion and restorative justice programme which is considered successful in the community resolution of minor criminal offences, combining the avoidance of institutionalization and low recidivism rates.

34. In Ljubljana, the independent expert made a presentation to civil society organizations, followed by an interactive dialogue at the Slovenian parliament. He also visited an institution for children in vulnerable situations or who have committed minor offences and a centre for child asylum-seekers. While in South Africa, the independent expert visited the Thuthuzela care centre in Soweto on the outskirts of Johannesburg. The centre, one of a number that have been established within the framework of the anti-rape strategy adopted by the Government of South Africa, provides multidisciplinary services to rape survivors, including children and adolescents, within a holistic approach combining health care, psychological counselling and legal support.

35. During his visit to Israel, and with the facilitation of the Israeli Committee for UNICEF, the independent expert met with representatives of Israel's Ministries of Social Affairs and Health and local NGOs at Adam's School in West Jerusalem. Government officials outlined the legal framework for the protection of children, including the mandatory obligation of all professionals working with or for children to report suspected cases of abuse. Representatives highlighted the need for well-coordinated and integrated services. Representatives from Israeli civil society described initiatives to respond to violence at home and schools, such as confidential telephone hotlines and the appointment of an independent ombudsman for children. The independent expert also met with the Israeli Ministry for Foreign Affairs which committed itself to support him in the preparation of the study.

36. During his visit to the Occupied Territories, the independent expert met with representatives of the Palestinian Authority in Ramallah and Gaza (including the Minister of Women's Affairs and the Coordinator of the National Plan of Action for Children), members of the Palestinian Legislative Council and representatives from local and international NGOs. The independent expert also met with children from the Children's Municipal Council, the Safe Play Area in Gaza City, and with children assisted by the psycho-social emergency team in Rafah. Representatives presented some of the initiatives developed to prevent and respond to violence against children, such as the development of the Palestinian Child Rights Law and awareness campaigns about child rights and gender-based violence. Governmental and civil society organizations and children mentioned that despite the positive impact of such initiatives, occupation and armed violence continued to affect the level of violence against children in other contexts in the region. The effects of children witnessing or suffering violence on their way to and inside school were noted, including by the children themselves, who indicated that getting to school involved unpredictable levels of violence and difficulties caused by checkpoints and similar obstacles. Children also complained that teachers used corporal punishment.

Psycho-social researchers informed the independent expert that the situation of Palestinian families was severely affected by factors including population density, especially in the refugee areas, housing evictions, high unemployment and poverty levels, the lack of access to basic services and the difficulty of travelling within the territory, and that these were among key factors contributing to the increasing incidence of violence in homes and communities. Children from the Children's Municipal Council confirmed that the creation of "safe play areas" where children could meet and play had been an important initiative which had improved children's situation.

VI. Analysis of the concluding observations of the Committee on the Rights of the Child

37. The independent expert continued to maintain close contact with the Committee on the Rights of the Child, the 18-member treaty body monitoring the Convention on the Rights of the Child which had initiated preparation of the study through a recommendation to the General Assembly (A/56/488, annex). Past and present Committee members participated in the regional consultations and other meetings relating to the study, and in light of the fact that the Committee has considered the issue of violence against children in its review of the reports of the States parties to the Convention, the independent expert conducted an analysis of the Committee's concluding observations in this regard.

38. This analysis indicated that key concerns raised by the Committee include the insufficient financial and human resources allocated, as well as the inadequate programmes established to prevent and combat violence against children. Children are not provided with adequate mechanisms to file complaints, and in many cases there are obstacles to prosecution for child abuse and neglect. Rehabilitation measures for child victims of ill-treatment and abuse are lacking, as are comprehensive information and data on the different manifestations of violence against children, thereby leading to limited awareness of the ill-treatment and abuse of children. The Committee has expressed concern that corporal punishment is still widely accepted and practised within the family, and that a limited number of countries have prohibited corporal punishment in the home and family, while in some countries legislative provisions provide for such punishment. Violence against women in the family remains widespread and continues to have a negative impact on children, with the Committee expressing concern that domestic violence against women may be linked to child abuse in the family.

39. The Committee has drawn attention to outdated laws concerning sexual abuse and it has also noted confusing information on the prevalence of abuse and neglect of children, noting that the low number of reported cases may be indicative of an ineffective reporting system, or the result of traditional attitudes, which preclude reporting. The Committee has noted that domestic laws concerning sexual abuse are often outdated and there is sometimes no legislation clearly prohibiting child sexual abuse and sexual exploitation. Legislation that clearly defines consent in sexual matters may also be lacking, and there are insufficient procedures available to prosecute perpetrators so that very few cases of physical and sexual abuse are effectively pursued by the police or brought to court. The social stigmatization of the victims of sexual violence, as well as the lack of social and psychological

recovery programmes and the limited possibilities for victims to be reintegrated into society, have also attracted the Committee's concern.

40. The Committee has noted that corporal punishment is still widely practised in schools, is frequently not explicitly prohibited by domestic legislation, and is sometimes provided for in legislation which it considers to be in contravention of article 19 of the Convention. The Committee has stated that there is usually a connection between the social and legal acceptability of corporal punishment and high levels of child abuse and that tolerance of corporal punishment in schools makes it difficult to educate parents about alternative forms of discipline. The Committee has also expressed concern at the use of corporal punishment in public institutions and in alternative care contexts, including in orphanages and rehabilitation centres, and the placement of children in need of alternative care, in particular boys, in institutions for juvenile offenders, as well as the incidence of sexual and other abuse in children's homes. In this context, the Committee has expressed particular concern about domestic legislation that entitles parents to seek institutional care for children perceived to be beyond parental control, and the vulnerability of such children to violence.

41. The Committee has noted the occurrence of violence against children in the administration of juvenile justice, emphasizing that children are victims of cruel, inhuman or degrading treatment or punishment, committed notably at the hands of the police at police stations, places of detention and prisons. The minimum age of criminal responsibility is often too low. In many countries persons who have committed crimes under the age of 18 can be sentenced to death or life imprisonment or subjected to corporal punishment or punishments including amputation, flogging or stoning. The period for investigation and pre-trial detention can be prolonged, and persons below the age of 18 may not always be separated from adults. The detention conditions of children in police stations or detention centres are poor, amounting to cruel, inhuman or degrading treatment. Methods used by law enforcement officials may in some cases jeopardize the lives of children. In general, there is a lack of statistical data on the administration of juvenile justice, a limited number and use of specialized juvenile courts and judges, poor quality of supervision, monitoring and training of staff, and absence of effective, child-friendly and independent complaints mechanisms for young detainees. Recovery and social reintegration measures are frequently absent.

42. The Committee has expressed concern at the growing involvement of children in the sex industry, including prostitution and pornography, the subject of the Optional Protocol on the sale of children, child prostitution and child pornography to the Convention on the Rights of the Child, which entered into force in 2000, and the large-scale trafficking of children, in particular girls, for the purpose of sexual and other forms of exploitation. The Committee has expressed concern that sexually exploited children are criminalized in some countries, and there is a lack of specific legislation prohibiting trafficking in human beings, including for the purpose of prostitution.

43. The increasing number of street children, most of them living in extremely difficult conditions, and the vulnerability of these children to violence, torture, sexual abuse, exploitation, murder and abduction have also attracted the Committee's concern. It has noted the lack of a systematic and comprehensive strategy to address the situation and protect these children. Similarly, the Committee

has identified the economic exploitation of children as a factor which may increase their vulnerability to violence. It has noted that despite the wide ratification of ILO Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour and that some counties have adopted stricter laws on child labour, a high percentage of working children are involved in activities that represent a danger to their health and development, with some working in dangerous and/ or abusive conditions. The Committee has expressed its concern about the absence of legal safeguards to protect children employed in the informal sector, including in families and small enterprises, rendering them vulnerable to abuse, including sexual abuse.

44. The persistence of harmful traditional practices, including female genital mutilation, forced and/or early marriages, dowry-related violence, female infanticide and enslavement and food taboos, has been highlighted by the Committee which is concerned at the lack of interventions to address these issues. It has drawn attention to the impact of differential minimum legal ages for marriage for boys and girls, which it considers discriminatory, facilitating the practice of early marriage. It has also highlighted the problem of honour killings, which affect children directly, as well as indirectly where their mothers and other female relatives are targeted, and has noted that the police are often reluctant to arrest the perpetrators, or, where they are arrested and charged, they receive lenient or token punishment.

45. The Committee has pointed to underlying conditions which exacerbate children's vulnerability to violence. These include poverty, inadequate standards, procedures and policies to guarantee and protect the rights of internally displaced, refugee, asylum-seeking and unaccompanied children, including their access to adequate education, health and other social services, and the physical and psychological hardship resulting from armed conflicts which affect children. The Committee has also noted the heightened vulnerability of children with HIV/AIDS and children orphaned as a result of the pandemic to violence. It has also drawn attention to the particular risks that children with disabilities, in particular in institutions or residential care, face in respect of violence and the heightened vulnerability of children belonging to minorities and racial groups to discrimination and violence. In this context the Committee notes that legal provisions prohibiting incitement to racial discrimination and racially motivated violence may be lacking and police and prosecutors may fail to investigate acts of racially motivated violence promptly and effectively, and may be reluctant to identify a racial motive having instigated such violence. It has also noted that in some countries there are few indictments and convictions in relation to the number of incidents reported, and that perpetrators sometimes receive light sentences.

VII. Analysis of the work of the special procedures mandate holders of the Commission on Human Rights and the Subcommission on the Promotion and Protection of Human Rights

A. Special procedures mandate holders

46. The independent expert has called on the special procedures mandate holders of the Commission on Human Rights to provide input into the study and to take violence against children into account in their work. He has held several bilateral consultations with the special procedures mandate holders on this issue and initiated an analysis of their work relating to violence against children.

47. This analysis indicates that several special procedures mandate holders have focused on children's rights, with a number receiving communications of allegations of human rights violations pertaining to their mandates that relate to children. In their reports to the Commission in 2004 and 2005, a number of special procedures paid particular attention to the issue of violence against children while others, including the Special Rapporteur on the right to food, have drawn a link between children affected by hunger and hunger-related diseases and the denial of their right to food, health and life (see E/CN.4/2005/47).

48. Special procedures mandate holders who have addressed violence against children include the Special Rapporteur on the sale of children, child prostitution and child pornography, who has considered child pornography on the Internet (see E/CN.4/2005/78 and Corr.1) and policies and programmes to prevent child sexual exploitation (see E/CN.4/2004/9), the criminalization of child victims (see E/CN.4/2003/79) and HIV/AIDS and sexual exploitation of children (see E/CN.4/2002/88).

49. The Special Rapporteur on extrajudicial, summary or arbitrary executions has consistently paid attention to extrajudicial, summary or arbitrary executions of children (see E/CN.4/2004/7) and has referred to a trend of extrajudicial killings of children in some countries by vigilante groups, consisting frequently of off-duty law enforcement agents. The Special Rapporteur on the question of torture has considered the issue of torture of children, including in the context of corporal punishment (see E/CN.4/1988/17, E/CN.4/1996/35, A/54/426, A/55/290 and A/57/173), which the Special Rapporteur considers to be inconsistent with the prohibition of torture and other cruel, inhuman or degrading treatment or punishment enshrined in the Universal Declaration of Human Rights (see A/57/173). The report of the Special Rapporteur to the General Assembly at its fifty-ninth session (A/59/324) highlighted the particularly serious effects of torture on children, including its impact on the physical and mental development of children and the development of inappropriate behaviours. The Working Group on Enforced or Involuntary Disappearances has called on all Governments to make special efforts to prevent the disappearance of children (see E/CN.4/2005/65). Similarly, the Working Group on Arbitrary Detention investigated several cases of alleged arbitrary deprivation of liberty of children (see E/CN.4/2004/3 and E/CN.4/2005/6).

50. Violence against girls has been addressed by a number of special procedures mandate holders, including the Special Rapporteur on violence against women, its causes and consequences, who has drawn attention, inter alia, to harmful traditional practices, such as forced marriage of children, and violence against women, in particular girls and young women in the context of HIV/AIDS. The Special Rapporteur on trafficking in persons, especially women and children, has indicated that she intends to devote special attention to the situation of trafficked children and to formulate separate recommendations concerning their situation in her future reports (see E/CN.4/2005/71). Gender-based violence has also been addressed by the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (see E/CN.4/2004/49), who has indicated that harmful cultural practices, including FGM, carry a high risk of disability and death and highlighted the high health risks linked to early marriage, such as those arising from early pregnancy. The Special Rapporteur has also examined a connection between States' international obligations to respect, protect and fulfil the right to health and protection from violence (ibid.).

51. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples has expressed serious concerns at the situation of indigenous children, pointing, inter alia, to their forced recruitment in armed conflict zones, the widespread practice of child labour in relation to such children and their extreme vulnerability to trafficking (see E/CN.4/2005/88). He has also drawn attention to the recruitment of indigenous youths into armed gangs (see E/CN.4/2005/88/Add.2), made recommendations in respect of indigenous children in contact with the juvenile justice system (see E/CN.4/2004/80), and pointed to the impact of FGM on the education of girls from indigenous communities, as well as the realization of other human rights (see E/CN.4/2005/88).

52. The Special Rapporteur on adequate housing as a component of the right to an adequate standard of living has drawn attention to homelessness and its causes and impacts on children and youth (see E/CN.4/2005/48). He has also noted that eviction, which usually leads to homelessness, affects a large number of persons and that most of those affected are children, and has emphasized the existing link between evictions and violence, and the fact that homelessness increases the vulnerability of children to sexual abuse. He has also noted that denying access to social assistance to children living in a family where abuse is present provides adolescents, in particular, with limited options: to remain in a household where they are at risk of physical and mental harm; or to escape to a homeless alternative which is precarious, but without the relative certainty of continued abuse by family members or legal guardians. The Special Rapporteur on the right to education plans to review security in schools and the exercise of the right to education in emergency situations, which may range from displacement, armed conflict and military occupation to intra-school violence, in his forthcoming reports (see E/CN.4/2005/50). The Special Rapporteur on the human rights of migrants has emphasized that unaccompanied minors are at great risk of violence, exploitation, child trafficking, discrimination and other abuses, including sexual abuses and forced prostitution. (see E/CN.4/2005/85 and Add.3). She has emphasized the responsibility of States to protect adolescent girls, whether nationals or immigrants, within their territory from harmful traditional practices and facilitate the provision of information from a diversity of sources, and to establish centres offering counselling on the harmful effects of FGM (see E/CN.4/2005/85). The Special

Rapporteur has also examined alleged ill-treatment of minors in reception centres and cases of unaccompanied minors travelling illegally to join their parents, with the help of migrant-smuggling rings.

B. Subcommission on the Promotion and Protection of Human Rights

53. The Subcommission on the Promotion and Protection of Human Rights, the main subsidiary body of the Commission on Human Rights, has studied several thematic issues relating to the question on violence against children, in particular with respect to harmful traditional practices and sexual abuse. The Special Rapporteur of the Subcommission on traditional practices affecting the health of women and the girl child, whose current mandate was established by resolution 1996/19 of the Subcommission but whose work on the subject goes back to 1988, has focused on the elimination of female genital mutilation, son preference, female infanticide, forced and early marriage and crimes committed in the name of honour, concluding that these practices are related to the inferior status of women and girls in society (see E/CN.4/Sub.2/2005/36) A paper submitted by a member of the Subcommission at its fifty-sixth session in 2004 (E/CN.4/Sub.2/2004/11) raised concerns about the protection of child witnesses during sexual abuse trials and emphasized the possibility that subjecting children to the same process of testifying as adults could be highly detrimental both emotionally and in terms of the child witnesses' credibility.

54. The independent expert, who also serves as the Special Rapporteur of the Subcommission on housing and property restitution in the context of the return of refugees and internally displaced persons, has elaborated Principles on Housing and Property Restitution for Refugees and Displaced (E/CN.4/Sub.2/2005/17, annex) and explanatory notes on the Principles which reaffirm the rights of refugee and displaced persons, including boys and girls, to housing, land and property restitution.

VIII. Expert meetings

55. The independent expert encouraged the organization of expert and thematic meetings to provide a forum in which experts from all regions of the world would identify existing research and experience and the most effective practical approaches to the elimination of violence against children and measures to protect children. WHO organized a consultation on violence against children in the home and family on 20 and 21 June 2005 in Geneva, where participants adopted recommendations stressing the need to improve the gathering and sharing of information on violence against children in the family, to strengthen prevention measures, to improve services for children and families experiencing violence, and to develop ethical and safety guidelines to guide researchers investigating this topic. Various preventive measures were discussed, including home visitation programmes, parent education and training, counselling and support for families, awareness and education campaigns on child rights and child physical, emotional, cognitive and sexual development, and programmes designed to change social norms about violence. Legislative reforms, including the prohibition of corporal punishment in the home and family, and increased resource allocations were

encouraged both as prevention and response measures. The role of children and adolescents, as well as that of religious and traditional leaders was emphasized, in particular in awareness-raising campaigns on harmful traditional practices.

56. The independent expert also attended a thematic meeting on violence against children in conflict with the law organized by the NGO Advisory Panel for the study held on 4 and 5 April 2005 in Geneva. The increased vulnerability of children and adolescents to violence within the juvenile justice system was considered a serious concern by the participants. It was strongly recommended that detention be an absolutely last resort, only resorted to when all other forms of diversion, education and other alternatives have failed. A number of recommendations were adopted on alternatives to detention and on measures to ensure that children are not subject to violence within the juvenile justice system. Strategies for the implementation of the recommendations were identified by the participants and addressed to the international mechanisms and national Governments.

57. Other meetings and consultations designed to provide input into the independent expert's work were also convened. These included meetings on gender-based violence and on violence against children in schools which took place respectively on 17 and 18 March 2005 in Cape Town, South Africa; from 14 to 16 April in Tunis; and on 10 and 11 May 2005 in Nairobi. Discussions in Cape Town on gender-based violence focused on three themes: sexual exploitation and gender-based violence in humanitarian crises; sexual abuse and violence in non-emergency situations; and gender and HIV/AIDS. Adolescent girls were identified as particularly vulnerable to sexual and gender-based violence and the need for special protection was highlighted. The link between HIV/AIDS and sexual and gender-based violence was also discussed, and further research on the topic was encouraged. The consultation in Tunis addressed violence in schools, which was identified as a factor in denying access to school and impeding school retention and learning. It was held in tandem with an interactive Internet forum for young people in the Middle East and North Africa. Experts attending the Nairobi meeting on violence against children in schools identified five main categories of violence in schools: corporal punishment used by teachers, including verbal abuse; gender violence perpetrated by teachers, school administrators or students and including heterosexism and homophobia; bullying, also expressed through new technologies; gang violence, their use of weapons and the effects on life within the schools, including drug trafficking and gang rape; schools as "targets", including destruction of school and teacher property, vandalism and kidnappings. An expert consultation on the impact of violence against children took place in New York on 28 July. Participants reviewed types of violence affecting children with disabilities, including those which are least reported, and produced a set of recommendations.

IX. Call for public submissions

58. In early 2005, the independent expert circulated an indicative outline of his final report (E/CN.4/2005/75, annex I), and called upon all stakeholders to provide input to the study. As of 7 July 2005, 169 submissions had been received from academic institutions, Government agencies, international organizations, and international and national NGOs. Submissions have included academic research findings, studies, reports, case studies and recommendations, and are being analysed

according to the settings identified in the independent expert's concept paper for the study (E/CN.4/2004/68, annex) and his study outline.

X. Estimating the extent of violence against children

59. The lack of systematically collected information on violence against children led the independent expert to establish an advisory group on research composed of experts from ILO, UNICEF and its Innocenti Research Centre, WHO, and academics working with research networks on different aspects of violence against children. The advisory group is developing recommendations to establish systems to monitor the situation of violence against children and to collect information. While the study is limited to existing research and will not commission new research directly, a range of new research and secondary analysis of existing research is being conducted in conjunction with the study. The advisory group works with large existing data sets such as demographic health surveys, multiple indicator cluster surveys, child info/dev/info and those related to Education for All, and those of United Nations entities including ILO and the United Nations Office on Drugs and Crime. WHO is leading the analysis of statistical data related to the occurrence of violence against children at home in the family and in schools, and on the impact on children of witnessing domestic violence. The advisory group is also working with data sets and new research, including those provided by Child Helpline International, Save the Children and the International Society for Prevention of Child Abuse and Neglect.

60. The independent expert considers that reliable estimates of violence against children in all its forms are essential for raising awareness about the global extent of the problem and provoking action to address it. He is also convinced that improved systematic data collection, which the advisory group's recommendations should facilitate, will enable States to monitor progress made in implementing the recommendations that he will set forth in his final report, as well progress in preventing violence against children.

XI. Editorial board

61. On 11 and 12 July 2005, the independent expert chaired the third meeting of the editorial board for the study, which had been established to assist him in his work, in particular relating to the publication of the study's findings. The editorial board is comprised of experts from various regions of the world, including representatives from United Nations entities and NGOs expert in different aspects of violence against children. The third meeting of the editorial board focused on analysing inputs received, shaping draft chapters and developing recommendations. Editorial board members also participated in the regional consultations as presenters, as rapporteurs, and working group members.

XII. Conclusion

62. Through the regional, subregional and national consultations, expert meetings, field visits and analysis of the work of human rights mechanisms, in particular the Committee on the Rights of the Child, the independent expert has identified a number of key areas, in particular relating to effective prevention and response to violence against children, that will be the focus of his work in the coming year. These include the continued legality and prevalence of corporal punishment against children in the home, schools, alternative care, institutions and the juvenile justice system; the vulnerability of children in conflict with the law, as well as street children, to violence; and the pervasiveness of harmful traditional practices. He has also become very aware of the underlying conditions, such as community attitudes to violence, discrimination, poverty, the unequal status of women and girls, lack of access to quality education and denial of human rights generally, which exacerbate children's vulnerability to violence. Lack of systematic and quality data and the importance of capacity-building for those working with children have also become clear.

63. In completing his final report to the Secretary-General, as well as the other related outputs, the independent expert will build on the information emerging from the consultations, field visits, expert meetings and other events. He will give significant weight to the outcome of the analysis of responses to the questionnaire sent to Governments and other submissions and will focus on the development of comprehensive, multifaceted, interdisciplinary responses to violence against children and strategies to eliminate it.

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Elimination of racism and racial discrimination: elimination of racism and racial discrimination

The fight against racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Note by the Secretary-General

The Secretary-General has the honour to transmit to the members of the General Assembly the interim report prepared by Mr. Doudou Diène, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, in accordance with General Assembly resolution 59/177.

Summary

In this report, the Special Rapporteur reviews the activities in which he participated in the context of the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance. He took part in the deliberations of the sixty-first session of the Commission on Human Rights in March 2005, where he introduced his general report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2005/18), his report on the defamation of religions and global efforts to combat racism: anti-Semitism, Christianophobia and Islamophobia (E/CN.4/2005/18/Add.4), his third report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 (E/CN.4/2005/19), as well as his reports on his missions to Guatemala (E/CN.4/2005/18/Add.2), Côte d'Ivoire (E/CN.4/2005/18/Add.3), Honduras (E/CN.4/2005/18/Add.5) and Nicaragua (E/CN.4/2005/18/Add.6). The Special Rapporteur also comments on the main issues

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mentioned in the resolutions adopted by the Commission on Human Rights, including the need to give equal treatment to all forms of racism and discrimination and the upsurge in acts of racism committed by neo-Nazi and extreme right groups. The Special Rapporteur also participated in a series of meetings and seminars, including two thematic debates of the Committee for the Elimination of Racial Discrimination (CERD) on the prevention of genocide and multiculturalism; he also participated in the conference of the Organization for Security and Cooperation in Europe (OSCE) on Combating anti-Semitism and other forms of intolerance held in Cordoba, Spain.

This report also covers the Special Rapporteur's mission to Japan, at the conclusion of which he noted the existence of forms of discrimination against national minorities and foreign communities and the lack of a comprehensive legislation against racism and discrimination. The Special Rapporteur stresses the need for a vigorous political response from the Government and the enactment of legislation and an intellectual and ethical strategy to address the underlying cultural and historical causes of discrimination in Japan.

With regard to contemporary manifestations of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur draws attention to two developments of particular concern: the rise in racism and xenophobia as a result of identity constructs and the mistreatment, contrary to international standards, of aliens, asylum-seekers, refugees and immigrants by the official administrative services of many States, especially in reception and waiting areas at airports, ports and stations which are becoming so-called "no rights zones". The Special Rapporteur then discusses the upsurge of racism in sports, draws conclusions and makes recommendations thereon. Lastly, the Special Rapporteur reports on his cooperation with regional organizations in efforts to combat racial discrimination and xenophobia and makes his recommendations.

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I. Introduction

1. In its resolution 59/177 of 2 March 2005 on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action, the General Assembly condemned all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form. It also recognized with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, communities of people of African descent, communities of people of Asian descent and other communities.

2. The General Assembly emphasized that it was the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law. It was conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes played a role in weakening the rule of law and democracy, tended to encourage the recurrence of such crimes and required resolute action and cooperation for its eradication. It condemned the misuse of print, audio-visual and electronic media and new communication technologies, including the Internet, to incite violence motivated by racial hatred, and called upon States to take all necessary measures to combat this form of racism in accordance with the commitments that they had undertaken under the Durban Declaration and Programme of Action (A/CONF.189/12 and Corr.1), in particular paragraph 147 of the Programme of Action, in accordance with existing international and regional standards of freedom of expression and taking all necessary measures to guarantee the right to freedom of opinion and expression.

3. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance was requested to continue his exchange of views with Member States and relevant mechanisms and treaty bodies within the United Nations system in order to enhance further their effectiveness and mutual cooperation. In the same resolution, the General Assembly called upon States to cooperate with the Special Rapporteur and to give serious consideration to his requests to visit their countries so as to enable him to fulfil his mandate fully and effectively. The Assembly also urged Member States to consider implementing the recommendations contained in the reports of the Special Rapporteur and invited other relevant stakeholders to implement those recommendations. The Assembly also encouraged closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit. In addition, the Assembly requested the Secretary-General to provide the Special Rapporteur with all the necessary human and financial assistance to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit an interim report to the General Assembly at its sixtieth session.

4. This report has been prepared pursuant to that resolution, the principal provisions of which have been cited above.

II. Activities of the Special Rapporteur

A. Participation in the work of the Commission on Human Rights at its sixty-first session

1. Introduction of reports

5. From 21 to 25 March 2005, the Special Rapporteur participated in the work of the Commission on Human Rights at its sixtieth session. He introduced his general report on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (E/CN.4/2005/18), his report on the defamation of religions and global efforts to combat racism: anti-Semitism, Christianophobia and Islamophobia (E/CN.4/2005/18/Add.4), his third report on the situation of Muslim and Arab peoples in various parts of the world in the aftermath of the events of 11 September 2001 (E/CN.4/2005/19). He also introduced his reports on his missions to Guatemala (E/CN.4/2005/18/Add.2), Côte d'Ivoire (E/CN.4/2005/18/Add.3), Honduras (E/CN.4/2005/18/Add.5) and Nicaragua (E/CN.4/2005/18/Add.6). The preliminary comments of the Special Rapporteur following those missions have already been included in his report to the General Assembly at its fifty-ninth session (A/59/329).

6. In his general report to the Commission on Human Rights, the Special Rapporteur demonstrated that the existence of racism, racial discrimination, xenophobia and related intolerance was indicative of the following alarming trends: the growing importance of the identity factor in recent manifestations of racism, racial discrimination and xenophobia; the tendency to establish a hierarchy in racial discrimination; the increasingly overt intellectual legitimization of racism, racial discrimination and xenophobia; the rise in and increasing influence of parties and movements with racist and xenophobic platforms; and increased racism in sports. In conclusion, the Special Rapporteur has highlighted various courses of action:

(a) The importance of conducting an in-depth debate on the link between racism, discrimination and identity. In that regard, the Special Rapporteur wishes to draw the attention of European Union member States to the urgency of giving special attention, in the building of the identity of the new Europe, to its ethnic, cultural and religious pluralism;

(b) The growing importance of achieving intellectual and cultural unanimity in combating racism and xenophobia and the need to draw up an intellectual strategy for the fight against racism to be applied in the area of ideas, concepts, images, representations, perceptions and value systems;

(c) The need to give equal treatment to all forms of racism and discrimination while recognizing the singularity and specificity of each form of discrimination and racism;

(d) The importance of more effectively combating organizations that promote ideas based on racial superiority or hatred, commit or incite acts of violence and of prosecuting them;

(e) The need to prevent acceptance of racism and discrimination as a result of the inclusion of racist and xenophobic political platforms in the programmes of democratic parties under the guise of combating terrorism and illegal immigration or "national preference" in a context of economic stagnation;

(f) The need to address the rise of racism in sports by conducting preventive educational and awareness-raising activities and condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations. The Special Rapporteur also recommended the establishment of formal and closer collaboration between the United Nations and international sports bodies. He also urged international sports bodies to take tough and credible measures against the perpetrators of racist incidents, especially sports executives, and to focus on the national dimension of the fight against racism by requesting national federations to submit annual reports on racist incidents and the action taken in response to them;

(g) The need for a firmer commitment of civil society to the fight against racism in sports through programmes designed to improve knowledge and appreciation of others and their culture.

7. In preparing his report on the defamation of religions and global efforts to combat racism, the Special Rapporteur relied heavily on the inputs and conclusions of the seminar of high-level experts held in Barcelona, Spain, from 11 to 14 November 2004 under the auspices of the United Nations Educational Scientific and Cultural Organization (UNESCO) Centre for Catalonia and analysed each of the phobias and identified the underlying causes of their growth. He also analysed the dialectic between the specificities and singularities of these three phobias and the universality of efforts to combat racism, racial discrimination and xenophobia. The Special Rapporteur then submitted to the Commission and to member States specific recommendations for each of these phobias and general recommendations covering the following points:

(a) The need to take greater account than in the past of two developments in measures to combat racism and discrimination: the increasing intertwining of race, ethnicity, culture and religion and, in this context, the rise of anti-Semitism, Christianophobia and Islamophobia. The Special Rapporteur therefore invited the Commission to urgently draw the attention of member States to the dynamic of the clash of cultures, civilizations and religions generated by these developments, in particular in the current context of overemphasis on the fight against terrorism;

(b) The need to take into account the following principles in the strategies to combat anti-Semitism, Christianophobia and Islamophobia:

(i) The historical and cultural depth of these three phobias, and thus the need to complement legal strategies with an intellectual and ethical strategy relating to the processes, mechanisms and representations which constitute these phobias over time;

(ii) The close and fundamental link between the spiritual, historical and cultural singularity of each of these phobias and the universality of their underlying causes and of the efforts needed to combat them;

(iii) Equal treatment of these phobias and avoidance of any prioritization of efforts to combat all forms of discrimination;

(iv) Application of the principle of secularism must be subject to particular vigilance so as not to generate or legitimize new forms of discrimination and, above all, not to constitute an obstacle to full participation in public life by believers and practitioners of various religions;

(v) Respect for and promotion of religious and spiritual pluralism.

8. The Special Rapporteur recommended that the Commission invite the religious and cultural communities that are victims of these phobias to not only promote in-depth intercultural and interreligious dialogue, including through the establishment of joint structures in each country in which they coexisted, but also to explore the internal factors in their beliefs and practices which might have contributed to these phobias.

9. The Special Rapporteur also recommended that the Commission invite civil society to further mobilize against all these phobias, without prioritization, and above all to actively promote dialogue and interaction between the communities concerned.

2. Observations on the resolutions adopted

(a) Avoidance of prioritization in efforts to combat religious defamation

10. In its resolution 2005/3 of 12 April 2005 entitled "Combating defamation of religions", the Commission, alarmed at the negative projection of Islam in the media and at the introduction and enforcement of laws that specifically discriminate against and target Muslims, noted with deep concern the intensification of the campaign of defamation of religions in the aftermath of the tragic events of 11 September 2001. It expressed deep concern that Islam was frequently and wrongly associated with human rights violations and terrorism. The Commission therefore requested the Special Rapporteur to continue to examine the situation of Muslims and Arab peoples in various parts of the world, the discrimination faced by them with regard to access to justice, political participation, respect of cultures, physical assaults and attacks against their places of worship, cultural centres, businesses and properties in the aftermath of the events of 11 September 2001 and to report on his findings to the Commission at its sixty-second session, and to make recommendations to improve their situation.

11. The Special Rapporteur believes that, in the ideological context created by the tragic events of 11 September 2001, Islamophobia is a particularly alarming manifestation of discrimination. He wishes to draw the General Assembly's attention to the dynamic of the clash of cultures, civilizations and religions arising from four aspects of Islamophobia: (a) the perception, in reaction to acts of violence perpetrated by individuals claiming to be Muslims, of all Muslims and of the Islamic community as a whole as a political problem; (b) official policies of monitoring the teaching and practice of Islam; (c) the general increase in acts of violence against Islamic places of worship and culture and Muslim worshippers; and (d) the overt intellectual legitimization of Islamophobia by leading researchers and writers and by some media outlets. In the Special Rapporteur's view, any study of this increase in Islamophobia should be based on both the historical, theological and contextual singularity of this phobia and the universality of the underlying causes of the defamation of religions.

12. The Special Rapporteur considers it useful to undertake an in-depth analysis of Islamophobia in a special report to the General Assembly. He believes that the Commission should redouble its vigilance to address the serious forms of defamation of religions. In that regard, he recalls the Durban Declaration and General Assembly resolution 58/160 of 22 December 2003 in which States recognized with deep concern the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world. He further recalls that the Secretary-General not only condemned such phobias during a recent series of seminars organized by the United Nations Department of Public Information but also urged the Special Rapporteur to give such issues in-depth treatment in his reports.

(b) The resurgence of racist acts committed by neo-Nazi and extreme right groups

13. In its resolution 59/175 of 2 March 2005 on measures to be taken against political platforms and activities based on doctrines of superiority and violent nationalist ideologies which are based on racial discrimination or ethnic exclusiveness and xenophobia, including neo-Nazism, the General Assembly expressed particular alarm at the persistence of such ideas in political circles, in the sphere of public opinion and in society at large. It expressed its determination to resist such political platforms and activities which can undermine the enjoyment of human rights and fundamental freedoms and of equality of opportunity.

14. In light of the study on the question of political platforms which promote or incite racial discrimination (A/59/330) undertaken by the Special Rapporteur in 2004, the Assembly expressed its conviction that political platforms and activities based on doctrines of superiority and violent nationalist ideologies must be condemned as incompatible with democracy and accountable governance. It took note of the Special Rapporteur's recommendation on the need to exercise greater control over racist and xenophobic statements, especially when they were expressed by representatives of political parties or other ideological movements.

15. In its resolution 2005/5 entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance", the Commission, alarmed at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, expressed deep concern over the fact of the glorification of the Nazi movement, including through erecting monuments and memorials as well as holding public demonstrations in the name of glorification of the Nazi past, the Nazi movement and neo-Nazism. Noting with concern the increase in the number of racist incidents in several countries and the rise of skinhead groups, which had been responsible for many of those incidents, the Assembly had requested the Special Rapporteur to continue to reflect on that issue, make relevant recommendations in his report to the Commission at its sixty-second session, and to seek and to take into account in that regard the views of Governments as well as non-governmental organizations.

16. Furthermore, in its resolution 2005/36 entitled "The incompatibility between democracy and racism", the Commission also strongly condemned the persistence and resurgence of neo-Nazism, neo-fascism and violent nationalist ideologies based on racial or national prejudice, and stated that those phenomena could never be justified in any instance or in any circumstances. The Commission invited the Special Rapporteur to review and further expand the study on the question of

political platforms which promoted or incited racial discrimination (E/CN.4/2004/61), as updated for the General Assembly (A/59/330), and to submit it to the Commission at its sixty-second session.

17. The Special Rapporteur wishes to stress that the newest and most alarming aspect of the resurgence of parties and groups with racist and xenophobic platforms is their insidious inroads on the political agendas of democratic parties and their acceptance by the latter in order to win votes under the guise of combating terrorism, defending the "national identity", promoting "national preference" and combating illegal immigration. As a result, a growing number of intellectuals have routinely found racist or xenophobic speech, writing and, therefore, acts acceptable and legitimate. That is why the Special Rapporteur believes that racism and xenophobia currently represent the greatest threats to democracy. The electoral impact of such parties and groups with racist and xenophobic platforms is gradually being reflected, not only in their participation in government coalitions and the statements of leaders of traditional democratic political parties, but above all, in legislation and administrative and security practices that criminalize non-nationals, immigrants, refugees and asylum-seekers. Several recent developments in terms of images, representations and ways of thinking illustrate how the fight against the underlying causes of racism has lost steam, how racism has gained acceptance and how it is being exploited for political purposes: the historical revisionism of democratic parties in certain countries has tended to promote the teaching that colonization had its merits; the increasing perception of underdevelopment as a reflection of backward spiritual cultures and traditions; as well as the interpretation of conflicts in some regions of the world like Africa as having ethnic rather than political causes. Acceptance of racism has sparked a widespread resurgence in racist and xenophobic crimes.

B. Coordination with other human rights mechanisms and participation in various meetings

18. Continuing the process of regular consultations with the Committee for the Elimination of Racial Discrimination (CERD), which he started in 2003, the Special Rapporteur participated in a thematic discussion on the prevention of genocide on 28 February 2005 and in a general discussion on multiculturalism on 8 March 2005.

19. During the discussion on the prevention of genocide, the Special Rapporteur stressed the importance of achieving intellectual and cultural agreement on the need to prevent genocide. In that regard, he drew the attention of CERD members to the fact that the groundwork for the commission of genocidal violence is always laid by identity, intellectual and cultural constructs which over time legitimize genocidal acts through cultural stereotyping and demonization of victim groups and communities. The ideology of genocide is in essence a construct which includes racism, discrimination and xenophobia. The historical, cultural and intellectual roots of racism should therefore be considered an indicator of the groups and communities at risk. Genocide and its basic ingredient of racism do not just happen but are shaped by ways of thinking, value systems and representations of which they are a portent as clouds portend a storm. The Special Rapporteur also wishes to stress the importance of memory in the prevention of genocide: without a collective memory and a thorough analysis of past acts of genocide, it is difficult to define indicators which would alert us to a high-risk situation that needs to be addressed.

Forgetting, hiding or obliterating the history of genocide perpetrated against a people also contributes to weakening the universal struggle against genocide.

20. During the general discussion on multiculturalism, the Special Rapporteur stressed that large-scale discrimination stemmed from the rejection of multiculturalism and cultural diversity. Multiculturalism — which is never neutral and spontaneous, but is the result of complex historical interactions[1] — is marked by the existence of antagonism between groups and communities in terms of identity which is reflected, depending on the ideological and political context, in intercommunity dialogue or inequality, discrimination and social stratification. De facto multiculturalism as manifested in most societies should therefore be transformed into the values of pluralism and mutual coexistence. The Special Rapporteur stressed in that regard the need for acknowledging the basic racial, ethnic, religious or cultural components of multiculturalism. Indeed, depending on the ideological or political context, the identity crisis revolves around these factors. Assuming that all States are multicultural, the Special Rapporteur believes that there are three main ways of protecting and promoting multiculturalism. First, the State must recognize the specific features of each of its component groups while advocating national unity. Second, the State should promote interaction among the different communities and ethnic groups in order to ensure that none are isolated. Third, the fight against racism should be linked to the promotion of multiculturalism, since combating racism should not lead to the isolation of any community; rather, it should protect all communities by fostering interaction among them. Accordingly, he explained that the denial of European Union membership to Turkey and the refusal to refer to Europe's Christian heritage in the European Constitution in fact masked the rejection of the notion that Europe is already multicultural. He noted, in that regard, that it was urgent that the political and economic construction of Europe should be accompanied by a study and a major programme on the rebuilding of the plural identity of the new Europe.

21. The Special Rapporteur has also worked with the Anti-Discrimination Unit in the Office of the High Commissioner for Human Rights, in particular by participating in a meeting entitled "Discrimination and hate crimes: combating the violence of intolerance", organized by the Anti-Discrimination Unit on the occasion of the International Day for the Elimination of Racial Discrimination on 21 March 2005. The Special Rapporteur welcomed the invitation to participate in this important meeting and the request by Mrs. Louise Arbour, High Commissioner for Human Rights, that he should moderate this meeting following her departure.

22. From 30 March to 3 April 2005, at the invitation of the Puerto Rican Human Rights Committee, the Special Rapporteur participated in a seminar in San Juan on the subject of racism and gender. During his stay, he was able to note the persistence of the legacy of racism and discrimination that has marked this country's history at the political, economic and social levels. The importance of the Committee's work, particularly in support of victims of discrimination, is such that it should not only be granted additional material, budgetary and human resources, but also — and above all — be allowed to work more autonomously and participate more fully in activities relating to the promotion and defence of human rights.

[1] See CERD/C/SR1694. The Special Rapporteur stressed that the ascendancy of multiculturalism in all countries results from the historical need for peoples to feed themselves, conquer others, make war and trade, failing which there would have been neither interaction nor history.

23. From 21 to 25 April, at the invitation of the Lutheran World Foundation, the Special Rapporteur participated in the second "Interfaith Peace Summit in Africa" in Johannesburg, South Africa, a summit which brought together a total of 248 representatives of the world's main religious traditions. The Lutheran World Foundation's interreligious work in the field, particularly in conflict zones in Africa, is a particularly original and effective initiative to promote the role of religion as a factor for peace across the African continent. In his presentation entitled "Racism, Religion and Dialogue", the Special Rapporteur drew the attention of participants to two issues covered by his mandate: the exacerbating effect of the conflation of factors of race or ethnicity, religion and culture in most conflicts in Africa and the political manipulation of these factors in national identity constructs. In particular, he stressed the need to promote cultural and religious pluralism in order to build peace on the continent.

24. From 25 to 27 May, the Special Rapporteur participated in the World Conference on Interreligious Dialogue, held in Santiago de Compostela, Spain. On 6 June 2005, the Special Rapporteur visited Budapest, where he participated in the Annual General Assembly of the European Foundation Centre, which discussed the integration of Muslims in European communities. During these two meetings, he shared with participants the observations and recommendations contained in his report on the defamation of religions to the Commission on Human Rights.

25. The Special Rapporteur also took part in the deliberations of the Conference on Anti-Semitism and Other Forms of Intolerance held in Cordoba, Spain on 8 and 9 June 2005 at the initiative of OSCE and the Spanish Government. This meeting reflects the growing movement to combat anti-Semitism and all forms of racism and discrimination. The Special Rapporteur's presentation focused on three key elements in the fight against racism and racial discrimination: the central role of identity constructs in the resurgence of all forms of discrimination and racism, owing in particular to the rejection of the profound reality of multiculturalism; the need to strengthen the legal and political strategy against racism with an intellectual, cultural and ethical strategy that targets the underlying causes of racism; and the gradual infiltration of the racist and xenophobic platforms of political and intellectual organizations of the far right into the political agendas of democratic parties under the guise of fighting terrorism, combating illegal immigration, defending the national identity or promoting "national preference".

26. The Special Rapporteur was unable to participate in the twelfth meeting of special rapporteurs, representatives, independent experts and chairpersons of working groups of the Commission on Human Rights, which took place from 20 to 24 June 2005 in Geneva, as at that time, at the request of the High Commissioner for Human Rights and in his capacity as United Nations special envoy, he was leading a fact-finding mission to Togo.

27. The day after her appointment as independent expert on minorities, the Special Rapporteur contacted Gay McDougal to congratulate her on her highly deserved appointment and to propose exploring ways and means of working together, as required by the complementarity of their mandates.

C. Field missions

28. The Special Rapporteur visited Japan from 3 to 12 July 2005. The mission will be the subject of a comprehensive report to the Commission on Human Rights at its sixty-second session in March 2006. The Special Rapporteur's visit took place in excellent conditions owing to the openness and full cooperation of the Japanese authorities, NGOs and the communities concerned.

29. During his mission, the Special Rapporteur visited Osaka, Kyoto, Tokyo, the island of Hokkaido (Sapporo, Niburani and Hakuro) and Chubu in Aichi prefecture, before ending his visit in Tokyo. He met the Vice-Minister for Foreign Affairs, representatives of various ministries, representatives of the judiciary, and local government representatives from Osaka, Kyoto, Tokyo and Sapporo. He also met representatives of civil society and the communities concerned, and visited communities in the areas in which they live.

30. Following his visit, the Special Rapporteur shared his initial observations with the Japanese Government. Racism, discrimination and xenophobia are a reality in Japanese society. This discrimination affects, in different ways, three communities or groups: national minorities (Ainus, Burakumin and the people of Okinawa), the Korean and Chinese communities, and immigrants from Asia, the Middle East, Africa and Europe. The sense that there is a lack of awareness about the deep historical and cultural roots of this discrimination is illustrated simultaneously by the recurring controversy surrounding the way in which certain episodes of Japan's history are written, particularly vis-à-vis its historical relations with neighbours such as the Korean peninsula and China, by the recurrence of the xenophobic and racist discourse of certain political figures, for example the Governor of Tokyo, and by the lack of comprehensive national legislation against racism, discrimination and xenophobia. In this regard, Japan faces two major challenges: it must bring its internal social, human and cultural structures into line with its global dimension at the political and economic levels and, as a result, build a multicultural society. By inviting the Special Rapporteur to visit the country and facilitating his visit, movements and contacts, the Japanese Government has demonstrated its willingness to meet the serious challenges of racism, discrimination and xenophobia.

31. The Special Rapporteur will submit a detailed report on this mission to the Commission on Human Rights at its sixty-second session. The report will contain specific recommendations based on additional information that he will be receiving from the communities concerned and civil society and on the Japanese Government's comments on his draft report.

III. Manifestations of racism, racial discrimination, xenophobia and related intolerance

A. Treatment of foreign nationals, asylum-seekers, refugees and immigrants in waiting areas

32. The Special Rapporteur's attention has been drawn to the racist and xenophobic treatment, in many States, of asylum-seekers, refugees and immigrants in waiting areas, particularly airports, ports and stations. In his view, this is an indication that racism, discrimination and xenophobia are on the increase. Indeed,

the widespread resurgence of racism is characterized not only by the strengthening of traditional forms of racism together with the appearance of new forms of racism against whole communities and religions, but above all by the appearance of a number of central figures of modern racism, namely members of national, ethnic or religious minorities, non-citizens, immigrants, refugees and asylum-seekers. As a result of the overemphasis on the fight against terrorism, the treatment of such groups is characterized by suspicion, mistrust, fear that they may be dangerous, and cultural and religious hostility. Such sentiments result in the widespread implementation of national policies that have a tendency to restrict the economic and social rights (housing, education, health) of these communities and thus illustrate that the political primacy of security over the law brings about a decline in human rights. Such policies are first applied at the points of entry into a country (airports, ports, borders), through the widespread use of discriminatory measures, such as targeting people because of their ethnic, cultural or religious appearance, thorough and humiliating searches, refoulement, separate counters for nationals and foreign nationals, and excessively long waiting lines at counters for foreign nationals. In this regard, human rights organizations report, in particular, that waiting areas for asylum-seekers and persons who have been turned back have become so-called no rights zones which are characterized inter alia by a lack of access to redress and defence, physical and verbal violence of a racist nature by law enforcement officers, cramped conditions and lack of privacy, a lack of minimum conditions of hygiene, a lack of measures to protect women and children. Generally speaking, these are restricted areas which human rights organizations cannot access. It is clear from the increase in violent incidents caused by legally vague conditions of expulsion, in particular group expulsions by charter and commercial flights, that particular attention needs to be given to this kind of resurgence of racism.

33. Such trends have been reported in France, for example, by the Commission nationale de déontologie de la sécurité (National Commission for a Security Code of Conduct) which, in its annual report 2003,[2] noted the existence of arrangements for enforced embarkation based on specific restraining techniques with a de facto humiliating aspect, such as placing restraints on people's legs, transporting foreign nationals by plane in a horizontal position, the use of unprofessional methods of intervention and the systematic use of force. The Commission nationale noted that in some cases these methods affected the physical and moral integrity of persons who had been turned back, two of whom died as a result of excessive use of restraints. The Commission also stressed that the systematic use of such methods, which are applied only to foreign nationals, resemble a form of institutional discrimination.

34. The Commission nationale de déontologie de la sécurité noted that when it comes to escorting to the border or turning back persons who have not been admitted to French national territory — around 20,000 people in total at Roissy Charles de Gaulle airport in 2002 — police officers are not given any technical training on the specific nature or duration of such operations. The Commission also recommended teaching and applying, as strictly as possible, technical and professional methods of intervention which can then be used by border police

[2] *Rapport 2003 de la Commission nationale de déontologie de la sécurité remis au Président de la République et au Parlement*, Paris, La Documentation française, 2004.

officers, in order to ensure respect for the dignity and physical and mental integrity of persons who are escorted to the border or turned back. The Commission also suggested improving dialogue with all the persons, authorities and associations concerned and ensuring respect for national and international standards on security-related searches and handcuffing.[3] In the Special Rapporteur's view, the fact that such a commission was established and such a report published indicates that Member States are now aware of the seriousness of the problem.

35. The treatment in waiting areas and the conditions of expulsion of refugees and asylum-seekers is also a matter of concern for Amnesty International, which expressed its concerns on the occasion of World Refugee Day on 20 June 2005. To mark this date, the non-governmental organization published three reports on detention and practices relating to expulsion in the United Kingdom, Italy and Spain, even though it did stress that such practices are a reality in most parts of the world.[4]

36. In general terms, Amnesty International noted that conditions of detention often do not respect standards relating to fundamental human rights. People are detained in unsatisfactory conditions of hygiene for prolonged periods of time and are unable to contest the legality or necessity of their detention or to file a complaint for mistreatment, as in most cases the possibility of obtaining legal assistance is limited, if not non-existent. Allegations of excessive use of force by law enforcement officers or managerial staff are also a cause for concern.

B. Racism and sports

37. The Special Rapporteur discussed the issue of racism in sport in his previous report to the General Assembly (A/59/329), in response to General Assembly resolution 58/160 which requested him "to pay special attention to the increasing frequency of incidents of racism at various sporting events". At its fifty-ninth session, the General Assembly, in its resolution 59/177, while noting with appreciation the efforts made by some sporting governing bodies to combat racism, expressed its concern at the increasing incidence of racism in various sporting events.

38. In his general report to the sixty-first session of the Commission on Human Rights (E/CN.4/2005/18), the Special Rapporteur drew attention to the increase in racist incidents in sport, in particular in football. Among the reasons for this increase, he has noted that the noble ideals of competition and mutual respect are being eroded by the exacerbation of the nationalistic dimension of competitions and the overemphasis on money.

39. He has also noted that the increase in violence and openly racist incidents is illustrated not only by the actions of some supporters, but also by the comments and behaviour of coaches of famous teams who trivialize or legitimize racist or

[3] Ibid., p. 15. See also submissions 2003-17 and 2003-19 in the same volume.

[4] See *The human cost of "Fortress Europe". Detention and expulsion of asylum-seekers and migrants in the EU. Amnesty International Open Letter to the incoming UK Presidency on the occasion of World Refugee Day; Italy: Temporary stay — Permanent rights: The treatment of foreign nationals detained in 'temporary stay and assistance centres' (CPTAs)*; and *Spain: The Southern Border. The State turns its back on the human rights of refugees and immigrants*.

xenophobic incidents. The Special Rapporteur considers that, in view of the gravity of some racist acts and the coverage that they were given in the media, their condemnation and the measures taken against those responsible do not reflect the seriousness of the situation.

40. In view of this increase in racist incidents, the Special Rapporteur believes it is necessary and urgent for politicians and national and international sporting bodies to take a firm stand, not only demonstrating greater commitment to, and vigilance in, the fight against racism and discrimination in sport, but also becoming more involved in awareness-raising campaigns and activities at the national and international levels in order to promote an image of interculturalism and multiracial integration at sporting events.

41. In the context of a greater mobilization of international sporting bodies, the Special Rapporteur has intensified his contacts with sporting bodies in order to promote cooperation and complementarity in efforts to combat racism in sport. He therefore had an initial meeting with Jacques Rogge, President of the International Olympic Committee (IOC), on 20 October 2004. This meeting paved the way for cooperation with the Olympic organization in the area of information exchange. On 6 December 2004, the Special Rapporteur also had a meeting in Zurich with Joseph S. Blatter, President of the International Federation of Association Football (FIFA), who expressed his deep concern about the recent racist incidents in football and outlined the actions that FIFA is taking to combat racism.

42. The Special Rapporteur has noted that there have been some positive initiatives by sports federations or other organizations to combat racism in sport, such as the measures taken by FIFA or the Union of European Football Associations (UEFA) that are mentioned in his previous report to the General Assembly (A/59/329, paras. 33 to 35).

43. Among more recent initiatives, the Special Rapporteur draws attention to the FIFA Executive Committee's decision, at its meeting of 7 and 8 March 2005, to create a multiethnic "team" of FIFA Ambassadors against Racism, which brings together leading players and coaches both past and present.[5] This team of ambassadors, the captain of which is the French player Thierry Henry, will be responsible for actively promoting the fight against racism by embodying the values of football, primarily through interviews, events and summits.

44. The Special Rapporteur also wishes to congratulate FIFA for the activities it has organized each year, since 2002, as part of its worldwide Anti-Discrimination Day. In 2005, FIFA organized the fourth Anti-Discrimination Day to coincide with the semifinals of the FIFA Confederations Cup (Germany 2005), held on 25 and 26 June, and the quarter finals of the FIFA World Youth Championship (Netherlands 2005), held on 24 and 25 June. The Day was marked by various activities designed to deliver a clear message against racism, not only in football but also in society as a whole. At these matches, before kick-off, the two team captains read a declaration condemning and rejecting all forms of discrimination in football and society as a whole by firmly saying "no to racism". As part of the official pre-match protocol, teams and match officials posed jointly behind a banner displaying the unequivocal message of "Say No to Racism". For the FIFA World Cup qualifiers in June, FIFA

[5] See FIFA press release of 21 June 2005 entitled "Top national teams show solidarity in fight against discrimination" on FIFA's official website: www.fifa.com.

also encouraged its member associations to help circulate this message against racism throughout the world by inviting them to participate in these actions on the ground.

45. UEFA has also stepped up its campaign against racism, which it conducts in close cooperation with Football Against Racism in Europe (FARE). Among the activities carried out, the Special Rapporteur wishes to highlight in particular that an anti-racism guide, published in July 2003, has been distributed to all the national federations, leagues and clubs in Europe and all UEFA referees, match delegates and stadium managers.

46. The Special Rapporteur also welcomes the ninth edition of the Anti-Racist World Cup, which was organized by UEFA and FARE in Montecchio, Italy, in July 2005 and was the first to receive FIFA backing. This tournament is a multicultural event which brings together groups of supporters, immigrants, local communities and anti-racist associations from more than 25 countries for five days of football, music and anti-racist activities.

47. The anti-racist campaign conducted by FIFA and FARE has continued to grow in recent years, as demonstrated by the fact that several national federations have submitted anti-racist programmes, namely the federations of Armenia, Belgium, the Czech Republic, England, Finland, Georgia, Germany, Iceland, Israel, Latvia, Lithuania, the Netherlands, Northern Ireland, Norway, Scotland, Slovakia, Spain, Sweden, Switzerland, the Republic of Moldova, the Russian Federation, Ukraine and Wales. Three programmes in Bosnia and Herzegovina, Hungary and the former Yugoslav Republic of Macedonia are currently being studied.

48. Despite the efforts already made and the success of these initiatives, the Special Rapporteur continues to invite Member States to demonstrate greater commitment to fighting racism in sport, by conducting educational and awareness-raising activities and by very firmly condemning the perpetrators of racist incidents, in cooperation with national and international sporting bodies.

49. The Special Rapporteur continues to be of the view that national and international sporting bodies and the United Nations need to work together more closely. In his report to the sixty-first session of the Commission on Human Rights, he therefore proposed, with regard to football, that, at the initiative of FIFA and the host country, Germany, a highly significant and symbolic event could be organized in conjunction with the United Nations, in particular the Office of the High Commissioner for Human Rights, in order to send out a strong message against racism on the occasion of the 2006 World Cup in Germany. To this end, on 1 March 2005, the Special Rapporteur had a meeting in Vienna with the European Monitoring Centre for Racism and Xenophobia (EUMC) and with the artist André Heller, who is responsible for organizing special events in connection with the upcoming FIFA World Cup.

50. The Special Rapporteur also reiterates the recommendation contained in his report to the Commission on Human Rights (E/CN.4/2005/18, para. 48 (g)) in which he invites international sports organizations to take tough measures against the perpetrators of racist incidents. The Special Rapporteur believes that international sports bodies should ask national federations to submit annual reports on racist incidents and the action taken in response to them. The Special Rapporteur again emphasizes the role of civil society organizations, in particular NGOs, in the fight

against racism in sport and invites them to become more involved through projects designed to improve knowledge and appreciation of others.

IV. Cooperation with regional organizations

51. The Special Rapporteur welcomes the increased cooperation with EUMC, the European Union agency responsible for combating racism and xenophobia based in Vienna. As part of this cooperation, which was initiated during the Special Rapporteur's visit to Vienna on 7 and 8 October 2004, a joint declaration was published on 21 March 2005 on the occasion of the International Day for the Elimination of Racial Discrimination. A joint meeting was also organized in Vienna on 1 March 2005 with a view to organizing an event against racism in sport during the 2006 FIFA World Cup. Furthermore, on 16 and 17 December 2004, an assistant of the Special Rapporteur participated in an EUMC round table which was given the task of identifying possible new directions for the agency's work and its interaction with its partners. The Special Rapporteur also published an article in the agency's quarterly review, *Equal Voices*, in which he discusses new challenges and obstacles in the fight against racism, racial discrimination and xenophobia, new ways of responding to them, and the role of identity constructs in the resurgence of racism and xenophobia.[6] The Special Rapporteur welcomes this fruitful cooperation with EUMC and intends to increase it further in the future.

52. As regards OSCE, the Special Rapporteur emphasizes the high quality of both the cooperation that was initiated several years ago and the way in which it has developed. As mentioned above in the description of his activities, this cooperation was strengthened by the Special Rapporteur's participation in the conference held in Cordoba.

V. Conclusions and recommendations

53. **The Special Rapporteur will submit to the Commission on Human Rights at its sixty-second session detailed recommendations on the issues covered by his mandate, particularly in the light of his visits. He therefore wishes to make the following recommendations to the General Assembly.**

54. **The General Assembly is invited to draw the attention of Member States to the alarming signs of a retreat in the struggle against racism, racial discrimination and xenophobia as a result of the growing number of counter-terrorism policies and programmes that generate new forms of discrimination against groups and entire communities, religions and spiritual traditions. In this context, the seriousness of the resurgence of Islamophobia must be given particular attention. The General Assembly may wish to also invite Member States to grant greater vigilance to all forms of defamation of religions, in particular anti-Semitism and Christianophobia.**

[6] New Challenges and Obstacles in the Fight against Racism", *Equal Voices*, Issue No. 15, December 2004.

55. **The General Assembly is invited to give particular attention to the resurgence of racism, discrimination and xenophobia against national, ethnic, cultural and religious minorities, immigrant populations, asylum-seekers and refugees, largely through the erosion of their economic and social rights (housing, education, health) and the gradual loss of protection systems under the relevant international instruments.**

56. **The General Assembly is also invited to give particular attention to the discriminatory treatment of groups in waiting and holding areas at airports, ports and borders, and to recommend that Member States consider taking the necessary measures to prevent such areas from becoming so-called no rights zones. In this context, the Special Rapporteur:**

- **Recommends that training courses for border police include training on national and international standards relating to the prohibition of racial discrimination and xenophobia.**
- **Encourages Governments to refrain from adopting measures motivated by "security threats" which could result in discrimination, in particular discrimination based on race, colour, language, religion, nationality, or national or ethnic origin.**
- **Also encourages Governments to take urgent measures to ensure that any person who is in a waiting area and could be expelled is given basic guarantees. Such guarantees must include respect for fundamental human rights, including the right to obtain legal assistance.**
- **Reminds Governments of their obligation to ensure that no person is sent back to a country where they could be subject to fundamental human rights violations.**
- **Draws attention to the specific situation of minors in waiting areas. The Special Rapporteur considers that they must be given specific attention in order to remedy the problems that have been noted, whether they be the application of legal procedures, administrative practices or the poor functioning of procedures relating to caring for unaccompanied minors.**

57. **The Special Rapporteur invites Member States to demonstrate greater commitment to fighting racism in sport, by conducting educational and awareness-raising activities and by very firmly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations. National and international sports bodies and the United Nations need to work together more closely. He therefore recommends that, on the occasion of the 2006 World Cup in Germany and at the initiative of FIFA and the host country, a highly significant and symbolic event could be organized in conjunction with the United Nations, in particular the Office of the High Commissioner for Human Rights, in order to send out a strong message against racism.**

58. **The Special Rapporteur also reiterates the recommendation contained in his report to the Commission that international sports bodies should focus on the national dimension of the fight against racism, by asking national federations to submit annual reports on racist incidents and the action taken in response to them.**

59. **Lastly, the Special Rapporteur believes that, in order to effectively combat racism and general violence in sport in the long run, national and international sporting bodies must place greater emphasis on the fundamental values of sport and take measures against values based on nationalism and the financial dimension of competitive sports.**

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Human rights questions: implementation of human rights instruments

Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocols to the International Covenant on Civil and Political Rights

Report of the Secretary-General

Summary

The General Assembly, by its resolution 2200 A (XXI) of 16 December 1966, adopted and opened for signature, ratification or accession the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the First Optional Protocol to the International Covenant on Civil and Political Rights, and expressed the hope that the Covenants and the Optional Protocol would be signed, ratified or acceded to without delay. The Assembly also requested the Secretary-General to submit to it at its future sessions reports concerning the status of ratification of the Covenants and of the Optional Protocol. In response to that request, reports on the status of the International Covenants and the Optional Protocol have been submitted annually to the Assembly since its twenty-second session in 1967.

Both Covenants and the Optional Protocol were opened for signature at New York on 19 December 1966. In accordance with their respective provisions,[1] the International Covenant on Economic, Social and Cultural Rights entered into force on 3 January 1976, the International Covenant on Civil and Political Rights entered into force on 23 March 1976 and the Optional Protocol to the International Covenant on Civil and Political Rights, having received the required number of ratifications or accessions, entered into force simultaneously with that Covenant on 23 March 1976.

* A/60/150.

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In its resolution 58/165 of 22 December 2003, the General Assembly appealed strongly to all States that had not yet done so to become parties to both Covenants, as well as to consider as a matter of priority to accede to the Optional Protocols to the International Covenant on Civil and Political Rights and to make the declaration provided for in article 41 of the Covenant; encouraged the States parties to consider limiting the extent of any reservations they lodge to the International Covenants on Human Rights, to formulate any reservations as precisely and narrowly as possible and to ensure that no reservation was incompatible with the object and purpose of the relevant treaty; and encouraged them to review regularly any reservations made in respect of the provisions of the Covenants with a view to withdrawing them. The Assembly urged all States to publish the texts of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocols in as many local languages as possible and to distribute them and make them known as widely as possible in their territories. The Assembly reiterated its request to the Secretary-General to ensure that the Office of the United Nations High Commissioner for Human Rights effectively assists the Human Rights Committee and the Committee on Economic, Social and Cultural Rights in the implementation of their respective mandates, including by the provision of adequate Secretariat staff resources, and conference and other relevant support services, and to submit to it at its sixtieth session a report on the status of the Covenants and the Optional Protocols.

1. As at 2 August 2005, the International Covenant on Economic, Social and Cultural Rights had been ratified or acceded to by 151 States, the International Covenant on Civil and Political Rights had been ratified or acceded to by 154 States, and the Optional Protocol to the International Covenant on Civil and Political Rights had been ratified or acceded to by 105 States. The list of States that have ratified or acceded to the Covenants and the Optional Protocol, together with the dates of ratification or accession and of entry into force, appear in annexes I to III to the present report. Declarations and reservations made by States parties may be found on the following website: http://untreaty.un.org.

2. The General Assembly, by its resolution 44/128 of 15 December 1989, adopted and opened for signature, ratification or accession the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty, and called upon all Governments in a position to do so to consider signing and ratifying or acceding to the Second Optional Protocol.

3. The Second Optional Protocol to the International Covenant on Civil and Political Rights entered into force on 11 July 1991, three months after the date on which the tenth instrument of ratification or accession was deposited with the Secretary-General. As at 2 August 2005, the Second Optional Protocol had been ratified or acceded to by 54 States. The list of States that have ratified or acceded to the Protocol, together with the dates of ratification or accession and entry into force, is contained in annex IV to the present report.

4. Upon ratification of the International Covenant on Civil and Political Rights or subsequently, 48 States made the declaration provided for in article 41 of the Covenant, recognizing the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant: Algeria, Argentina, Australia, Austria, Belarus, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Chile, Congo, Croatia, Czech Republic, Denmark, Ecuador, Finland, Gambia, Ghana, Germany, Guyana, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, New Zealand, Norway, Peru, Philippines, Poland, Republic of Korea, Russian Federation, Senegal, Slovakia, Slovenia, South Africa, Spain, Sri Lanka, Sweden, Switzerland, Tunisia, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Zimbabwe. The provisions of article 41 entered into force on 28 March 1979 in accordance with paragraph 2 of that article. No inter-State communication under article 41 of the Covenant had been filed as at 2 August 2005.

5. As regards the implementation of the International Covenant on Economic, Social and Cultural Rights, the Committee on Economic, Social and Cultural Rights, established in accordance with Economic and Social Council resolution 1985/17 of 28 May 1985, held its thirty-first, thirty-second, thirty-third and thirty-fourth sessions at the United Nations Office at Geneva from 10 to 28 November 2003, from 26 April to 14 May 2004, from 8 to 26 November 2004 and from 25 April to 13 May 2005, respectively. It submitted reports to the Economic and Social Council at its substantive sessions of 2004 and of 2005,[2] in which it made suggestions and recommendations concerning issues arising from the consideration of reports submitted by States parties to the Covenant.

6. As regards the implementation of the International Covenant on Civil and Political Rights, the Human Rights Committee held its seventy-ninth session at the United Nations Office at Geneva from 20 October to 7 November 2003, its eightieth session at United Nations Headquarters from 5 March to 2 April 2004, its eighty-first session at Geneva from 5 to 30 July 2004, (including the conversion of the Working Group on Communications into a week of meetings of the plenary of the Committee) its eighty-second session at Geneva from 11 October to 5 November 2004, its eighty-third session at New York from 14 March to 1 April 2005 and its eighty-fourth session at Geneva from

11 July to 29 July 2005. In accordance with article 45 of the Covenant and article 6 of the First Optional Protocol, the Committee submitted its annual report to the General Assembly at its fifty-ninth session[3] covering the activities of the Committee at its seventy-ninth to eighty-first sessions. The annual report covering the Committee's activities at its eighty-second to eighty-fourth sessions will be submitted to the Assembly at its sixtieth session.[4]

Notes

[1] Article 27 of the International Covenant on Economic, Social and Cultural Rights, article 49 of the International Covenant on Civil and Political Rights and article 9 of the First Optional Protocol.

[2] *Official Records of the Economic and Social Council, 2004, Supplement No. 2* (E/2004/22); and ibid., *2005, Supplement No. 2* (E/2005/22).

[3] *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 40* (A/59/40), vols. I and II.

[4] To be issued as *Official Records of the General Assembly, Sixtieth Session, Supplement No. 40* (A/60/40), vols. I and II.

Annex I

List of States that have ratified or acceded (or succeeded) to the International Covenant on Economic, Social and Cultural Rights as at 2 August 2005 (151)

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Afghanistan	24 January 1983	24 April 1983
Albania	4 October 1991	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	13 September 1993	13 December 1993
Australia	10 December 1975	10 March 1976
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992	13 November 1992
Bangladesh	5 October 1998	5 January 1999
Barbados	5 January 1973	3 January 1976
Belarus	12 November 1973	3 January 1976
Belgium	21 April 1983	21 July 1983
Benin	12 March 1992	12 June 1992
Bolivia	12 August 1982	12 November 1982
Bosnia and Herzegovina	3 September 1993	6 March 1992
Brazil	24 January 1992	24 April 1992
Bulgaria	21 September 1970	3 January 1976
Burkina Faso	4 January 1999	4 April 1999
Burundi	9 May 1990	9 August 1990
Cambodia	26 May 1992	26 August 1992
Cameroon	27 June 1984	27 September 1984
Canada	19 May 1976	19 August 1976
Cape Verde	6 August 1993	6 November 1993
Central African Republic	8 May 1981	8 August 1981

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Chad	9 June 1995	9 September 1995
Chile	10 February 1972	3 January 1976
China	27 March 2001	27 June 2001
Colombia	29 October 1969	3 January 1976
Congo	5 October 1983	5 January 1984
Costa Rica	29 November 1968	3 January 1976
Côte d'Ivoire	26 March 1992	26 June 1992
Croatia	8 October 1991	8 October 1991
Cyprus	2 April 1969	3 January 1976
Czech Republic	22 February 1993	1 January 1993
Democratic People's Republic of Korea	14 September 1981	14 December 1981
Democratic Republic of the Congo	1 November 1996	1 February 1997
Denmark	6 January 1972	3 January 1976
Djibouti	5 November 2002	5 February 2003
Dominica	17 June 1993	17 September 1993
Dominican Republic	4 January 1978	4 April 1978
Ecuador	6 March 1969	3 January 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987	25 December 1987
Eritrea	17 April 2001	17 July 2001
Estonia	21 October 1991	21 January 1992
Ethiopia	11 June 1993	11 September 1993
Finland	19 August 1975	3 January 1976
France	4 November 1980	4 February 1981
Gabon	21 January 1983	21 April 1983
Gambia	29 December 1978	29 March 1979
Georgia	3 May 1994	3 August 1994
Germany	17 December 1973	3 January 1976

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Ghana	7 September 2000	7 December 2000
Greece	16 May 1985	16 August 1985
Grenada	6 September 1991	6 December 1991
Guatemala	19 May 1988	19 August 1988
Guinea	24 January 1978	24 April 1978
Guinea-Bissau	2 July 1992	2 October 1992
Guyana	15 February 1977	15 May 1977
Honduras	17 February 1981	17 May 1981
Hungary	17 January 1974	3 January 1976
Iceland	22 November 1979	22 August 1979
India	10 April 1979	10 July 1979
Iran (Islamic Republic of)	24 June 1975	3 January 1976
Iraq	25 January 1971	3 January 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	3 January 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	3 January 1976
Kenya	1 May 1972	3 January 1976
Kuwait	21 May 1996	21 August 1996
Kyrgyzstan	7 October 1994	7 October 1995
Latvia	14 April 1992	14 July 1992
Lebanon	3 November 1972	3 January 1976
Lesotho	9 September 1992	9 December 1992
Liberia	22 September 2004	22 December 2004
Libyan Arab Jamahiriya	15 May 1970	3 January 1976
Liechtenstein	10 December 1998	10 March 1999
Lithuania	20 November 1991	20 February 1992

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Luxembourg	18 August 1983	18 November 1983
Madagascar	22 September 1971	3 January 1976
Malawi	22 December 1993	22 March 1994
Mali	16 July 1974	3 January 1976
Malta	13 September 1990	13 December 1990
Mauritania	17 November 2004	17 February 2005
Mauritius	12 December 1973	3 January 1976
Mexico	23 March 1981	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	3 January 1976
Morocco	3 May 1979	3 August 1979
Namibia	28 November 1994	28 February 1995
Nepal	14 May 1991	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980	12 June 1980
Niger	7 March 1986	7 June 1986
Nigeria	29 July 1993	29 October 1993
Norway	13 September 1972	3 January 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 June 1992	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	7 June 1974	3 January 1976
Poland	18 March 1977	18 June 1977
Portugal	31 July 1978	31 October 1978
Republic of Korea	10 April 1990	10 July 1990
Republic of Moldova	26 January 1993	26 April 1993
Romania	9 December 1974	3 January 1976
Russian Federation	16 October 1973	3 January 1976

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Rwanda	16 April 1975	3 January 1976
Saint Vincent and the Grenadines	9 November 1981	9 February 1982
San Marino	18 October 1985	18 January 1986
Senegal	13 February 1978	13 May 1978
Serbia and Montenegro	12 March 2001	12 March 2001
Seychelles	5 May 1992	5 August 1992
Sierra Leone	23 August 1996	23 November 1996
Slovakia	28 May 1993	28 May 1993
Slovenia	6 July 1992	6 July 1992
Solomon Islands	17 March 1982	17 March 1982
Somalia	24 January 1990	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980	11 September 1980
Sudan	18 March 1986	18 June 1986
Suriname	28 December 1976	28 March 1977
Swaziland	26 March 2004	26 June 2004
Sweden	6 December 1971	3 January 1976
Switzerland	18 June 1992	18 September 1992
Syrian Arab Republic	21 April 1969	3 January 1976
Tajikistan	4 January 1999	4 April 1999
Thailand	5 September 1999	5 December 1999
The former Yugoslav Republic of Macedonia	18 January 1994	18 January 1994
Timor-Leste	16 April 2003	16 July 2003
Togo	24 May 1984	24 August 1984
Trinidad and Tobago	8 December 1978	8 March 1979
Tunisia	18 March 1969	3 January 1976
Turkey	23 September 2003	23 December 2003
Turkmenistan	1 May 1997	1 August 1997
Uganda	21 January 1987	21 April 1987

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Ukraine	**12 November 1973**	**3 January 1976**
United Kingdom of Great Britain and Northern Ireland	**20 May 1976**	**20 August 1976**
United Republic of Tanzania	**11 June 1976**	**11 September 1976**
Uruguay	**1 April 1970**	**3 January 1976**
Uzbekistan	**28 September 1995**	**28 December 1995**
Venezuela	**10 May 1978**	**10 August 1978**
Viet Nam	**24 September 1982**	**24 December 1982**
Yemen	**9 February 1987**	**9 May 1987**
Zambia	**10 April 1984**	**10 July 1984**
Zimbabwe	**13 May 1991**	**13 August 1991**

Annex II

List of States that have ratified or acceded to the International Covenant on Civil and Political Rights as at 2 August 2005 (155)

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Afghanistan	24 January 1983[a]	24 April 1983
Albania	4 October 1991[a]	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986	8 November 1986
Armenia	23 June 1993[a]	[b]
Australia	13 August 1980	13 November 1980
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992[a]	[b]
Bangladesh	7 September 2000	7 December 2000
Barbados	5 January 1973[a]	23 March 1976
Belarus	12 November 1973	23 March 1976
Belgium	21 April 1983	21 July 1983
Belize	10 June 1996[a]	10 September 1996
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 September 1993[c]	6 March 1992
Botswana	8 September 2000	8 December 2000
Brazil	24 January 1992[a]	24 April 1992
Bulgaria	21 September 1970	23 March 1976
Burkina Faso	4 January 1999[a]	4 April 1999
Burundi	9 May 1990[a]	9 August 1990
Cambodia	26 May 1992[a]	26 August 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Cape Verde	6 August 1993[a]	6 November 1993
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995
Chile	10 February 1972	23 March 1976
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	26 March 1992[a]	26 June 1992
Croatia	12 October 1992[c]	8 October 1991
Cyprus	2 April 1969	23 March 1976
Czech Republic	22 February 1993[c]	1 January 1993
Democratic People's Republic of Korea	14 September 1981[a]	14 December 1981
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Djibouti	5 November 2002[a]	5 February 2002
Dominica	17 June 1993[a]	17 September 1993
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987[a]	25 December 1987
Eritrea	22 January 2002[a]	22 April 2002
Estonia	21 October 1991[a]	21 January 1992
Ethiopia	11 June 1993[a]	11 September 1993
Finland	19 August 1975	23 March 1976
France	4 November 1980[a]	4 February 1981
Gabon	21 January 1983[a]	21 April 1983
Gambia	22 March 1979[a]	22 June 1979
Georgia	3 May 1994[a]	[b]

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Germany	17 December 1973	23 March 1976
Ghana	7 September 2000	7 December 2000
Greece	5 May 1997[a]	5 August 1997
Grenada	6 September 1991[a]	6 December 1991
Guatemala	6 May 1992[a]	5 August 1992
Guinea	24 January 1978	24 April 1978
Guyana	15 February 1977	15 May 1977
Haiti	6 February 1991[a]	6 May 1991
Honduras	25 August 1997	25 November 1997
Hungary	17 January 1974	23 March 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979[a]	10 July 1979
Iran, Islamic Republic of	24 June 1975	23 March 1976
Iraq	25 January 1971	23 March 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991[a]	3 January 1992
Italy	15 September 1978	15 December 1978
Jamaica	3 October 1975	23 March 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	23 March 1976
Kazakhstan[d]		
Kenya	1 May 1972[a]	23 March 1976
Kuwait	21 May 1996[a]	21 August 1996
Kyrgyzstan	7 October 1994[a]	
Latvia	14 April 1992[a]	14 July 1992
Lebanon	3 November 1972[a]	23 March 1976
Lesotho	9 September 1992[a]	9 December 1992
Liberia	22 September 2004	22 December 2004
Libyan Arab Jamahiriya	15 May 1970[a]	23 March 1976

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1991
Luxembourg	18 August 1983	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	22 December 1993[a]	22 March 1994
Mali	16 July 1974[a]	23 March 1976
Malta	13 September 1990[a]	13 December 1990
Mauritania	17 November 2004[a]	17 February 2005
Mauritius	12 December 1973[a]	23 March 1976
Mexico	23 March 1981[a]	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	23 March 1976
Morocco	3 May 1979	3 August 1979
Mozambique	21 July 1993[a]	21 October 1993
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Nigeria	29 July 1993[a]	29 October 1993
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1997
Paraguay	10 June 1992[a]	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	23 October 1986	23 January 1987
Poland	18 March 1977	18 June 1977
Portugal	15 June 1978	15 September 1978
Republic of Korea	10 April 1990[a]	10 July 1990

State party	Date of receipt of the instrument of ratification	Date of entry into force
Republic of Moldova	26 January 1993[a]	[b]
Romania	9 December 1974	23 March 1976
Russian Federation	16 October 1973	23 March 1976
Rwanda	16 April 1975[a]	23 March 1976
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Serbia and Montenegro[c]	12 March 2001	[a]
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[c]	1 January 1993
Slovenia	6 July 1992[c]	25 June 1991
Somalia	24 January 1990[a]	24 April 1990
South Africa	10 December 1998[a]	10 March 1999
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980[a]	11 September 1980
Sudan	18 March 1986[a]	18 June 1986
Suriname	28 December 1976[a]	28 March 1977
Swaziland	26 March 2004[a]	26 June 2004
Sweden	6 December 1971	23 March 1976
Switzerland	18 June 1992[a]	18 September 1992
Syrian Arab Republic	21 April 1969[a]	23 March 1976
Tajikistan	4 January 1999[a]	[b]
Thailand	29 October 1996[a]	29 January 1997
The former Yugoslav Republic of Macedonia	18 January 1994[c]	18 September 1991
Timor-Leste	18 September 2003[a]	18 December 2003
Togo	24 May 1984[a]	24 August 1984
Trinidad and Tobago	21 December 1978[a]	21 March 1979
Tunisia	18 March 1969	23 March 1976

State party	Date of receipt of the instrument of ratification	Date of entry into force
Turkey	15 September 2003	15 December 2003
Turkmenistan	1 May 1997[a]	[b]
Uganda	21 June 1995[a]	21 September 1995
Ukraine	12 November 1973	23 March 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976[a]	11 September 1976
United States of America	8 June 1992	8 September 1992
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995	[b]
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982[a]	24 December 1982
Yemen	9 February 1987[a]	9 May 1987
Zambia	10 April 1984[a]	10 July 1984
Zimbabwe	13 May 1991[c]	13 August 1991

In addition to the States parties listed above, the Covenant continues to apply in Hong Kong, Special Administrative Region, People's Republic of China, and Macao Special Administrative Region, People's Republic of China.[f]

[a] Accession.

[b] The Committee considers that the entry into force goes back to the date when the State became independent.

[c] Succession.

[d] Although a declaration of succession has not been received, the people within the territory of the State — which constituted part of a former State party to the Covenant — continue to be entitled to the guarantees enunciated in the Covenant in accordance with the Committee's established jurisprudence (see *Official Records of the General Assembly, Forty-ninth Session, Supplement No. 40* (A/49/40), vol. I, paras. 49 and 49).

[e] The Socialist Federal Republic of Yugoslavia ratified the Covenant on 2 June 1971, which entered into force for that State on 23 March 1976. The successor State (Federal Republic of Yugoslavia) was admitted to the United Nations by General Assembly resolution 55/12 of 1 November 2000. According to a subsequent declaration, the Federal Republic of Yugoslavia acceded to the Covenant with effect from 12 March 2001. It is the established practice of the Committee that the people within the territory of a State which constituted part of a former State party to the Covenant continue to be entitled to the guarantees recognized in the Covenant. Following the adoption of the Constitutional Charter of Serbia and Montenegro by the Assembly of the Federal Republic of Yugoslavia on 4 February 2003, the name of the State of the Federal Republic of Yugoslavia was changed to "Serbia and Montenegro".

[f] For information on the application of the Covenant in the Hong Kong, Special Administrative Region of China, see *Official Records of the General Assembly, Fifty-fifth Session, Supplement No. 40* (A/51/40), chap. V, sect. b, paras. 78-85. For information on the application of the Covenant in Macao, Special Administrative Region, see ibid., *Fifty-fifth Session, Supplement No. 40* (A/55/40), chap. IV.

Annex III

List of States that have ratified or acceded to the First Optional Protocol to the International Covenant on Civil and Political Rights as at 2 August 2005 (105)

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Algeria	12 September 1989[a]	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina	8 August 1986[a]	8 November 1986
Armenia	23 June 1993[a]	23 September 1993
Australia	25 September 1991[a]	25 December 1991
Austria	10 December 1987	10 March 1988
Azerbaijan	27 November 2001	27 February 2002
Barbados	5 January 1973[a]	23 March 1976
Belarus	30 September 1992[a]	30 December 1992
Belgium	17 May 1994[a]	17 August 1994
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	1 March 1995	1 June 1995
Bulgaria	26 March 1992[a]	26 June 1992
Burkina Faso	4 January 1999[a]	4 April 1999
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	19 May 2000[a]	19 August 2000
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995	9 September 1995
Chile	28 May 1992[a]	28 August 1992
Colombia	29 October 1969	23 March 1976
Congo	5 October 1983[a]	5 January 1984
Costa Rica	29 November 1968	23 March 1976
Côte d'Ivoire	5 March 1997	5 June 1997

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
Croatia	12 October 1995[a]	
Cyprus	15 April 1992	15 July 1992
Czech Republic	22 February 1993[b]	1 January 1993
Democratic Republic of the Congo	1 November 1976[a]	1 February 1977
Denmark	6 January 1972	23 March 1976
Djibouti	5 November 2002[a]	5 February 2003
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	23 March 1976
El Salvador	6 June 1995	6 September 1995
Equatorial Guinea	25 September 1987[a]	25 December 1987
Estonia	21 October 1991[a]	21 January 1992
Finland	19 August 1975	23 March 1976
France	17 February 1984[a]	17 May 1984
Gambia	9 June 1988[a]	9 September 1988
Georgia	3 May 1994[a]	3 August 1994
Germany	25 August 1993	25 November 1993
Ghana	7 September 2000	7 December 2000
Greece	5 May 1997[a]	5 August 1997
Guatemala	28 November 2000	28 February 2001
Guinea	17 June 1993	17 September 1993
Guyana[c]	10 May 1993[a]	10 August 1993
Honduras	7 June 2005	7 September 2005
Hungary	7 September 1988[a]	7 December 1988
Iceland	22 August 1979[a]	22 November 1979
Ireland	8 December 1989	8 March 1990
Italy	15 September 1978	15 December 1978
[Jamaica[d]]		
Kyrgyzstan	7 October 1995[a]	7 January 1996
Latvia	22 June 1994[a]	22 September 1994

State party	Date of receipt of the instrument of ratification	Date of entry into force
Lesotho	7 September 2000	7 December 2000
Libyan Arab Jamahiriya	16 May 1989[a]	16 August 1989
Liechtenstein	10 December 1998[a]	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983[a]	18 November 1983
Madagascar	21 June 1971	23 March 1976
Malawi	11 June 1996	11 September 1996
Mali	24 October 2001	24 January 2002
Malta	13 September 1990[a]	13 December 1990
Mauritius	12 December 1973[a]	23 March 1976
Mexico	15 March 2002	15 June 2002
Mongolia	16 April 1991[a]	16 July 1991
Namibia	28 November 1994[a]	28 February 1995
Nepal	14 May 1991[a]	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	26 May 1989[a]	26 August 1989
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Norway	13 September 1972	23 March 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 January 1995[a]	10 April 1995
Peru	3 October 1980	3 January 1981
Philippines	22 August 1989[a]	22 November 1989
Poland	7 November 1991[a]	7 February 1992
Portugal	3 May 1983	3 August 1983
Republic of Korea	10 April 1990[a]	10 July 1990
Romania	20 July 1993[a]	20 October 1993
Russian Federation	1 October 1991[a]	1 January 1992
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982

State party	*Date of receipt of the instrument of ratification*	*Date of entry into force*
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Serbia and Montenegro	6 September 2001	6 December 2001
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[b]	1 January 1993
Slovenia	16 July 1993[a]	16 October 1993
Somalia	24 January 1990[a]	24 April 1990
South Africa	28 August 2002	28 November 2002
Spain	25 January 1985[a]	25 April 1985
Sri Lanka[e]	3 October 1997	3 January 1998
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	23 March 1976
Tajikistan	4 January 1999[a]	4 April 1999
The former Yugoslav Republic of Macedonia	12 December 1994[a]	12 March 1995
Togo	30 March 1988[a]	30 June 1988
[Trinidad and Tobago[c]]		
Turkmenistan[f]	1 May 1997[a]	1 August 1997
Uganda	14 November 1995	14 February 1996
Ukraine	25 July 1991[a]	25 October 1991
Uruguay	1 April 1970	23 March 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Zambia	10 April 1984[a]	10 July 1984

(Footnotes on following page)

(Footnotes to annex III)

[a] Accession.

[b] Succession.

[c] Guyana denounced the Optional Protocol on 5 January 1999 and reacceded on the same day subject to reservations, with effect from 5 April 1999. Guyana's reservation elicited objections from six States parties to the Optional Protocol.

[d] Jamaica denounced the Optional Protocol on 23 October 1997, entering into effect from 23 January 1998.

[e] Trinidad and Tobago denounced the Optional Protocol on 26 May 1998 and reacceded on the same day subject to reservations, with effect from 26 August 1998. Trinidad and Tobago's reservation elicited objections from numerous States parties to the Optional Protocol. Following the Committee's decision in case No. 845/1999 (*Kennedy* v. *Trinidad and Tobago*) of 2 November 1999, declaring the reservation invalid, Trinidad and Tobago again denounced the Optional Protocol on 27 March 2000, entering into effect from 27 June 2000.

[f] The Committee considers that the entry into force goes back to the date when the State became independent.

Annex IV

List of States that have ratified or acceded to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, as at 2 August 2005 (54)

State party	*Date of receipt of the instrument of ratification or accession*	*Date of entry into force*
Australia	2 October 1990•	11 July 1991
Austria	2 March 1993	22 June 1993
Azerbaijan	22 January 1999•	22 April 1999
Belgium	8 December 1998	8 March 1999
Bosnia and Herzegovina	16 March 2001	16 June 2001
Bulgaria	10 August 1999	10 November 1999
Cape Verde	19 May 2000•	19 August 2000
Colombia	5 August 1997•	5 November 1997
Costa Rica	5 June 1998	5 September 1998
Croatia	12 October 1995•	12 January 1996
Cyprus	10 September 1999•	10 December 1999
Czech Republic	15 June 2004•	15 September 2004
Denmark	24 February 1994	24 May 1994
Djibouti	5 November 2002•	5 February 2003
Ecuador	23 February 1993•	23 May 1993
Estonia	30 January 2004•	30 April 2004
Finland	4 April 1991	11 July 1991
Georgia	22 March 1999•	22 June 1999
Germany	18 August 1992	18 November 1992
Greece	5 May 1997•	5 August 1997
Hungary	24 February 1994•	24 May 1994
Iceland	2 April 1991	11 July 1991
Ireland	18 June 1993•	18 September 1993
Italy	14 February 1995	14 May 1994

State party	*Date of receipt of the instrument of ratification or accession*	*Date of entry into force*
Liechtenstein	10 December 1998*	10 March 1999
Lithuania	27 March 2002	27 June 2002
Luxembourg	12 February 1992	12 May 1992
Malta	29 December 1994*	29 March 1995
Monaco	28 March 2000*	28 June 2000
Mozambique	21 July 1993*	21 October 1993
Namibia	28 November 1994*	28 February 1995
Nepal	4 March 1998*	4 June 1998
Netherlands	26 March 1991	11 July 1991
New Zealand	22 February 1990	11 July 1991
Norway	5 September 1991	5 December 1991
Panama	21 January 1993*	21 April 1993
Paraguay	18 August 2003*	18 November 2003
Portugal	17 October 1990	11 July 1991
Romania	27 February 1991	11 July 1991
San Marino	17 August 2004	17 November 2004
Serbia and Montenegro	6 September 2001*	6 December 2001
Seychelles	15 December 1994*	15 March 1995
Slovakia	22 June 1999	22 September 1999
Slovenia	10 March 1994	10 June 1994
South Africa	28 August 2002*	28 November 2002
Spain	11 April 1991	11 July 1991
Sweden	11 May 1990	11 July 1991
Switzerland	16 June 1994*	16 September 1994
The former Yugoslav Republic of Macedonia	26 January 1995*	26 April 1995
Timor-Leste	18 September 2003*	18 December 2003
Turkmenistan	11 January 2000*	11 April 2000
United Kingdom of Great Britain and Northern Ireland	10 December 1999	10 March 2000

State party	*Date of receipt of the instrument of ratification or accession*	*Date of entry into force*
Uruguay	21 January 1993	21 April 1993
Venezuela	22 February 1993	22 May 1993

* Accession.